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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह जलन संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय
(राजभाषा विभाग)

नई दिल्ली, 28 सितम्बर, 2001

का.आ. 2776—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में सड़क परिवहन और राजमार्ग मंत्रालय जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 12022/1/2001-रा.भा. (का-II)]

ए. एस. गोदरे, निदेशक

MINISTRY OF HOME AFFAIRS
(Department of Official Language)

New Delhi, the 28th September, 2001

S.O. 2776.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official

purposes of the Union) Rules, 1976, the Central Government hereby notify Ministry of Road Transport and Highways whereof more than 80 per cent staff have acquired the working knowledge of Hindi.

[No. 12022/1/2001-O.L (Impl. II)]

A. S. GODRAY, Director

नई दिल्ली, 5 अक्टूबर, 2001

का.आ. 2777—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में पोत परिवहन मंत्रालय जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. 12022/1/2001-रा.भा. (का-II)]

ए. एस. गोदरे, निदेशक

New Delhi, the 5th October, 2001

S.O. 2777.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for official

purposes of the Union) Rules, 1976, the Central Government hereby notify Ministry of Shipping whereof more than 80 per cent staff have acquired the working knowledge of Hindi.

[No. 12022/1/2001-O.L.(Impl. II)]

A. S. GODRAY, Director

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 6 फरवरी, 2001

(आयकर)

का.आ. 2778:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “भारतीय आदिम जाति सेवक संघ, नई दिल्ली” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्तर्गत उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी विधि (जेबर-जबाहि-रात, फर्नीचर, अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुसूचित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्रयुक्त लाभ तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (5) विषय की स्थिति में अनिर्दिष्ट राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 28/2001/फा.स. 197/126/2000-
आयकर वि.-1]

समर भद्र, प्रवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 6th February, 2001

(INCOME TAX)

S.O. 2778:—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Bhartiya Adim Jati Sevak Sangh, New Delhi” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11,
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income Tax authorities in accordance with the provisions of the Income Tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 28/2001/F. No. 197/126/2000-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

(आयकर)

का.आ. 2779.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “द जेम एवं ज्वेलरी एक्सपोर्ट प्रमोशन काउंसिल, मुम्बई” को 1995-96 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करना सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 29/2001/फा.सं. 197/3/96-आ.का.नि.1]
समर भद्र, प्रवर सचिव

New Delhi, the 6th February, 2001

(INCOME TAX)

S.O. 2779.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Gem & Jewellery Export Promotion Council, Mumbai” for the

purpose of the said sub-clause for the assessment years 1995-96 to 1996-97 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 29/2001/F. No. 197/3/96-ITA-1]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

(आयकर)

का.आ. 2780.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा इंडियन इंस्टिट्यूट आफ फारेन ट्रेड, नई दिल्ली को 1999-2000 से 2000-2001 तक के लिए निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु

आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(5) विघटन की स्थिति में अनिर्दिष्ट राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 30/2001/फा.सं. 197/125/2000-
आयकर नि.-I]
समर भद्र, अवर सचिव

New Delhi, the 6th February, 2001

(INCOME TAX)

S.O. 2780.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian Institute of Foreign Trade, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2000-2001 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc), for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in

accordance with the provisions of the Income Tax Act, 1961;

- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 30/2001/F. No. 197/125/2000-ITA-

SAMAR BHADRA, Under Secy

नई दिल्ली, 6 फरवरी, 2001

(आयकर)

का.आ. 2781.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केंद्रीय सरकार एतद्वारा "काउंसिल फार सोशल डेवलपमेंट, नई दिल्ली" को 1998-99 से 1999-2000 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उम्मा संचयन पूर्णतया अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;
- (2) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेलर-जवाहिरान, फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की स्थिति में अनिर्दिष्ट राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 31/2001/फा.सं. 197/
145/99-आ.क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 6th February, 2001

(INCOME TAX)

S.O. 2781.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Council for Social Development, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 31/2001/F. No. 197/145/99-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 22 फरवरी, 2001

(आयकर)

का.आ. 2782.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा "इण्डियन इन्स्टीट्यूट आफ मैनेजमेंट, लखनऊ" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहने हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापन की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरान, फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेंगी।

[अधिसूचना सं. 43/2001/का.सं. 197/39/2000—
आ.क.नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 22nd February, 2001

(INCOME TAX)

S.O. 2782.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian Institute of Management Lucknow" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any or more of the forms or modes specified in Sub-section (5) of Sections 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 43/2001/F. No. 197/39/2000-ITA-I]

SAMAR BHADRA Under Secy.

नई दिल्ली, 22 फरवरी, 2001

(आयकर)

का.आ. 2783.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री अरविन्दो सोसायटी, कलकत्ता” को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के पयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (3) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेंवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी

निवर्तित रूप से आयकर प्राधिकारी के सम फाइल करेगा ;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संमठन को दे दी जायेंगी ।

[अधिसूचना सं. 44/2001/फा.सं 197/23/2001—आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 22nd February, 2001

(INCOME TAX)

S.O. 2783.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Sri Aurobindo Society Calcutta” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years mentioned above otherwise than in any or more of the forms or modes specified in Sub-section (5) of Section 11 ;

(iii) this notifications will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;

(v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 44/2001/F. No. 197/23/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 1 मार्च, 2001

(आयकर)

का.आ. 2784.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “साफ्टवेयर टेक्नोलॉजी पार्क्स प्राइवेट लिमिटेड,

नई दिल्ली" को 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय किवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अनिवार्य राशियां और परिसम्पत्तियां सम्मान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 53/2001/फा. सं. 197/123/97—आ.क.नि.-I]
समर भद्र, प्रवर, सचिव

New Delhi, the 1st March, 2001

(INCOME TAX)

S.O. 2784.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income Tax, Act, 1961 (43 of 1961), the Central Government hereby notifies the "Software Technology Parks of India, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions namely :

- (i) the assessee will apply its income or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of

jewellery furniture etc), for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax, Act, 1961
- (v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objective.

[Notification No. 53/2001 F. No. 197/123/97-ITAI [SAMAR BHADRA Under Secy.

नई दिल्ली, 1 मार्च, 2001

(आयकर)

का.आ. 2785.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "एग्सी-हॉर्टिकल्चरल सोसाइटी ऑफ इंडिया, कलकत्ता" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय किवरणी नियमित

रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को देय दी जाएंगी ।

[अधिसूचना सं. 54/2001/फा.सं. 197/123/99-आ.क.नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 1st March, 2001

(INCOME TAX)

S.O. 2785.—In exercise of the powers conferred by the sub-clause (iv) of clause 23(C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Agri-Horticultural Society of India Calcutta" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions namely:

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 54/2001/F. No. 197/123/99-ITA-I]

SAMAR BHADRA,
Under Secy.

नई दिल्ली, 1 मार्च, 2001

(आयकर)

का.प्र. 2786:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "इंस्टीट्यूट ऑफ कम्पनी सेक्रेटरीज ऑफ इंडिया, नई दिल्ली"

को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को देय दी जाएंगी ।

[अधिसूचना सं. 55/2001/फा.सं. 197/15/2001-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 1st March, 2001

(INCOME-TAX)

S.O.2786.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Institute of Company Secretaries of India, New Delhi" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
 - (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
 - (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
 - (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.
- [Notification No. 55/2001/F.No. 197/15/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 मार्च, 2001

(आयकर)

का.आ. 2787.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “सीफैरर्स वेलफेयर फंड सोसायटी, मुम्बई” को 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संकलन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वंश अथवा तरीके से भिन्न तरीकों से उसकी निधि (ज्वेलर-जवाहिरान, फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त

लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 71/2001/फा.सं. 197/116/95-आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 19th March, 2001

(INCOME-TAX)

S. O. 2787.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the “Seafarers Welfare Fund Society, Mumbai” for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 71/2001/F.No. 197/116/95-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 मार्च, 2001

(आयकर)

का.आ. 2788.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “तमिलनाडु एक्स सर्विसेज बेनीवोलेंट फंड, चेन्नई” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेलर-जवाहिरात, फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिजात हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसा कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दी दे जाएंगी ।

[अधिसूचना सं. 72/2001/फा.सं. 197/124/2000—आयकर नि.-II]

समर भद्र, अवर सचिव

New Delhi, the 19th March, 2001

(INCOME-TAX)

S.O. 2788.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Tamil Nadu Ex-Services Personnel Benevolent Fund, Chennai” for the purpose of the said sub-clause for the assessment

years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;—
- (ii) the assessee, will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 72/2001/F.No. 197/124/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 मार्च, 2001

(आयकर)

का.आ. 2789.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “मुख्यमंत्री, भूकम्प राहत कोष, महाराष्ट्र, मुंबई” को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेलर-जवाहिरात, फर्नीचर अथवा, किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 73/2001/फा.सं. 197/43/2001-आ.-
क.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 19th March, 2001
(INCOME-TAX)

S.O. 2789.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Chief Minister's earthquake Relief Fund, Maharashtra, Mumbai" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 73/2001/F.No. 197/43/2001-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 21 मार्च, 2001

(आयकर)

का.आ. 2790.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एनद्द्वारा "एमलगेमेटेड तमिलनाडू शेयर्स आफ पोस्ट वार सर्विसेज रिकंसट्रक्शन फण्ड एण्ड स्पेशल फण्ड फार रिकंसट्रक्शन एण्ड रिहैबिलिटेशन आफ एक्स सर्विसमैन" को 1999-2000 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यथा उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों को किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आवि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 75/2001/फा.सं. 197/47/2001-
आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 21st March, 2001
(INCOME TAX)

S. O. 2790.—In exercise of the powers conferred by sub-clause (iv) of clause (23 C) of section

10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Amalgamated Tamil Nadu Shares of Post War Services Reconstruction Fund and Special Fund for Reconstruction and Rehabilitation of Ex-servicemen" Chennai for the purpose of the said sub-clause for the assessment years 1999-2000 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 75/2001/F. No. 197/47/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 21 मार्च, 2001

(आयकर)

का.आ. 2791.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इंदिरा गांधी नेशनल सेंटर फॉर आर्ट्स, नई दिल्ली" को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संश्लेषण पूर्णतया तथा अनश्लेष्यता उन उद्देश्यों के

लिए करेगा जिनके लिए इसकी स्थापना की गई है ;

- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नही हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 76/2001/फा.सं. 197/39/2001—
आ.क.नि. I]

समर भद्र, आयकर सचिव

New Delhi, the 21st March, 2001

(INCOME TAX)

S. O. 2791.—In exercise of the powers conferred by sub-clause (iv) of clause (23 C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indira Gandhi National Centre for Arts, New Delhi" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other

wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 76/2001/F. No. 197/39/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 27 मार्च, 2001

(आयकर)

का.आ. 2792.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ज्ञान प्रबोधिनी संशोधन संस्था, पुणे" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अन्तर्क्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भ्रम से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 81/2001/फा.सं. 197/57/2001-आ.क.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 27th March, 2001

(INCOME TAX)

S. O. 2792.—In exercise of the powers conferred by the sub-clause (iv) of clause (23 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Jnana Prabhodhini Sanshodhan Sanstha, Pune" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 81/2001/F. No. 197/57/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 अप्रैल, 2001

(आयकर)

का.आ. 2793.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "महाराष्ट्र एनर्जी डिवलपमेंट एजेंसी, मुम्बई" को वर्ष 1998-99 से 2000-2001 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबर्-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विषय की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 92/2001/फा.सं. 197/91/2000—
आ.क.नि.-1]

समर भद्र, अधर सचिव

New Delhi, the 9th April, 2001

(INCOME TAX)

S. O. 2793.—In exercise of the powers conferred by the sub-clause (iv) of clause (23 C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Maharashtra Energy Development Agency, Mumbai" for the

purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 92/2001/F.No.197/91/2000-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 अप्रैल, 2001

(आयकर)

का.आ. 2794.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "महाराष्ट्र रिमोट सेसिंग एप्लीकेशन्स सेन्टर, नागपुर" को वर्ष 1999-2000 से 2001-2002 तक कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबर्-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हो ;
- (iv) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियाँ समान उद्देश्यों वाले धनार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 93/2001/फा.सं. 197/68/2001—
आ.क.नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 9th April, 2001

(INCOME TAX)

S. O. 2794.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Maharashtra Remote Sensing Applications Centre, Nagpur” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profit; and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business,
- (iv) the assessee will regularly file its return of income before the Income-tax authority

in accordance with the provisions of the Income-tax Act, 1961.

- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 93/2001/F. No. 197/68/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 30 अप्रैल, 2001

(आयकर)

का.आ. 2795.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री कावलेमठ संस्थान, मुम्बई” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिता उसको आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनिवार्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिता उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैव-जवाहिरान, फर्नीचर अथवा किसी आय वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धनार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 103/2001/फा.सं. 197/88/2000—
आ.का.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 30th April, 2001

INCOME TAX

S. O. 2795.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies the “Shree Kavle Math Samsthan Mumbai” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-02 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business:
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 103/2001/F. No. 197/88/2000 ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 2 मई, 2001

(आयकर)

का.आ. 2796.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा “प्रजापिता ब्रह्म कुमारीज ईश्वरीय विश्वविद्यालय, माउंट आबू” को 2000-01 से 2002-2003 तक कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारित उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिये इसकी स्थापना की गई है;

(ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेंगी।

[अधिसूचना सं. 109/2001/फा. सं. 197/70/99—आई टी ए-1]

प्रोमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001

(INCOME TAX)

S.O. 2796.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu” for the purpose of the said sub-clause for the assessment years 2000-01 to 2002-03 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 109/2001/F. No. 197/70/99-
ITA-I]

PROMILA BHARDWAJ, Director

नई दिल्ली, 2 मई, 2001

(आय कर)

का.आ. 2797.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा “कृष्ण गोपाल आयुर्वेदिक धर्मार्थ औषधालय ट्रस्ट, अजमेर” को 1996-97 से 1997-1998 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(1) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;

(2) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक तंग अथवा तरीकों से भिन्न तरीकों में उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;

(5) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(5) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेंगी;

[अधिसूचना सं. 110/2001/फा. सं. 197/36/2001-
आ.क.नि.-I]

प्रोमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001

(INCOME TAX)

S.O. 2797.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961, the Central Government hereby notifies the “Krishana Gopal Ayurvedic Dharmarth Aushodhalya Trust, Ajmer” for the purpose of the said sub-clause for the assessment years 1996-97 to 1997-98 subject to the following conditions, namely :

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewelry, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 110/2001/F. No. 197/36/2001-
ITA-I]

PROMILA BHARDWAJ, Director

नई दिल्ली, 2 मई, 2001

(आय कर)

क.आ. 2798.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा “इंडियन इंस्टीट्यूट ऑफ़ सेरीब्रल पल्सी, कलकत्ता” को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकायें नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विषय की स्थिति में अतिशयित रमिशमा और पशिसम्पत्तियां समाप्त उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी;

[अधिसूचना सं. 111/2001/फा. सं. 197/85/2001—
आयकर-II]

प्रोमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001 :

(INCOME TAX).

S.O. 2798.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Indian Institute of Cerebral Palsy, Calcutta” for the purpose of the said

sub-clause for the assessment years 2001-2002 to 2003-04 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 111/2001/F. No. 197/85/2001—
ITA-II]

PRAMILA BHARDWAJ, Director

नई दिल्ली, 2 मई, 2001

(आय कर)

क.आ. 2799.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा “कृष्ण गोराल आयुर्वेदिक धर्मार्थ औषधालय ट्रस्ट, प्रजमेर” को 1998-1999 से 2000-2001 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य

वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित (स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धार्मिक संगठन को दे दी जायेंगी।

[अधिसूचना सं. 112/2001/का.
सं. 197/38/2001-आ.क.नि.-1]
प्रमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001

(INCOME-TAX)

S.O. 2799.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Krishana Gopal Ayurvedic Dharmarth Aushodhalya Trust, Ajmer" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its Income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 112/2001/F.No. 197/38/2001-ITA-I]

PROMILA BHARDWAJ, Director

नई दिल्ली, 2 मई, 2001

(आयकर)

का. आ. 2800-आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23C) के उपखंड (iv) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा "ओरोविले फाउण्डेशन, ओरोविले, तमिलनाडु" को 1997-1998 से 1999-2000 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रखते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन, पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिन्हके लिये इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संमत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि) के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धार्मिक संगठन को दे दी जायेंगी।

[अधिसूचना सं. 113/2001/का.
सं. 197/38/2001-आ.क.नि.-1]
प्रमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001

(INCOME TAX)

S.O. 2800.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Auroville Foundation, Auroville, Tamilnadu" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 113/2001 /F. No. 197/110/2000-ITA-I]

PROMILA BHARDWAJ, Director

नई दिल्ली, 2 मई, 2001

(आय कर)

का.आ. 2801.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा "स्वदेशी जागरण फाउण्डेशन, नई दिल्ली" को वर्ष 2001-2002 से 2003-2004 तक के कर-निर्धारण वर्षों के लिये निर्मलखित शर्तों के अधीन रहने हुये उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रामाणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों ;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिमपत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेंगी।

[अधिसूचना सं. 115/2001/का.

सं. 197/73/2001-आईटीए-1]

प्रमिला भारद्वाज, निदेशक

New Delhi, the 2nd May, 2001

(INCOME TAX)

S.O. 2801.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income Tax, Act 1961 (43 of 1961) the Central Government hereby notifies the "Swadeshi Jagran Foundation, New Delhi" for the purpose of the said sub-clause for the assessment years 2001-02 to 2003-04 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the

attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 115/2001/F. No. 197/73/2001
ITA-I]

PROMILA BHARDWAJ, Director

नई दिल्ली, 21 मई, 2001

(आयकर)

का. आ. 2802.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “टी. टी. रंगनाथन क्लिनिकल रिसर्च फाउंडेशन, चैन्नई” को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों में उसकी निधि (जैव-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुगृहीत स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(5) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 128/2001/फा. सं. 197/97/2001
आ. का. नि. -I]

समर भद्र, अवर सचिव

New Delhi, the 21st May, 2001

(INCOME TAX)

S.O. 2802.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “T. T. Ranganathan Clinical Research Foundation, Chennai” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment year mentioned above otherwise than in any one or more of the forms or modes specified in section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains or business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 128/2001/F. No. 197/97/2001—
ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 मई, 2001

(आयकर)

का. आ. 2803.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “भगिनी समाज, गुम्बई” को वर्ष 1996-97 से 1998-99 तक के कर निर्धारण वर्षों

के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संभयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुसूचित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में प्रलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (5) विघटन की स्थिति में अतिरिक्त राशियों और परिसंपत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 133/2001/फा. सं. 1790/122/96
आईटी ए-1]]

समर भद्र, अवर सचिव

New Delhi, the 23rd May, 2001

(INCOME-TAX)

S.O. 2803.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Bhagini Samaj, Mumbai" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions

received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other-wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 133/2001/F.No. 197/122/96-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 30 मई, 2001

(आयकर)

क्र.सं. 2804.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23C) के उपखंड (iv) द्वारा प्रवृत्त शक्तियों का उपयोग करते हुए केन्द्रीय सरकार एतद्वारा "हीमबून ट्रस्ट, बण्नीनाद" को वर्ष 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संभयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुसूचित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार

उक्त कर निर्धारित की उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकारण नहीं रखी जाती हो;

(iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अनिवार्य राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 135/2001/फा. सं. 197/61/2001—आईटी-ए-1]

समर भद्र, अवर सचिव

New Delhi, the 30th May, 2001.
(INCOME-TAX)

S.O. 2804.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Tribune Trust, Chandigarh" for the purpose of the said sub-clause for the assessment years 2001-02 to 2003-04 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc. for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objective of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 135/2001/F.No. 197/61/2000-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 30 मई, 2001

(आय कर)

क. अ. 2805.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के

उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "एशियन इन्स्टीट्यूट ऑफ ट्रांसपोर्ट डेवेलपमेंट, नई दिल्ली" को वर्ष 2002-03 से 2004-05 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(1) कर निर्धारित उसकी आय इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संश्लेषण पूर्णतया तथा अनश्लेष्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(2) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विमर्शित किसी एक अवधि एक से अधिक ठेग अथवा तरीकों में भिन्न तरीकों में उसकी निधि (जवर-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अत्ररक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित की उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकारण नहीं रखी जाती हो;

(4) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(5) विघटन की स्थिति में अनिवार्य राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठनों को दे दी जाएंगी।

[अधिसूचना सं. : 136/2001/फा. सं. 197/87/2001—आईटी-ए-1]

समर भद्र, अवर सचिव

New Delhi the 30th May, 2001

(INCOME-TAX)

S.O. 2805.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Asian Institute of

Transport Development, New Delhi” for the purpose of the said sub-clause for the assessment years 2002-03 to 2004-05 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before income tax authority in accordance with the provisions of the Income-tax Act, 1961
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 136/2001/F.No. 197/87/2001-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 जन, 2001

(आयकर)

का. आ. " 2806.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “ जे. आर. डी. टाटा ट्रस्ट, मुम्बई ” को वर्ष 2001-02 से 2003-04 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारित उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसकी संशयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग से अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्थावक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रामाणिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;

(4) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(5) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 143/2001/का. सं. 197/45/2001-आईटीए-1]

समर भद्र, अधर सचिव

New Delhi, the 7th June, 2001

(INCOME-TAX)

S.O.2806.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “J.R.D. Tata Trust, Mumbai” for the purpose of the said sub-clause for the assessment years 2001-02 to 2003-04 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 143/2001/F.No. 197/45/2001-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 जून, 2001

(आयकर)

का.प्र. 2807.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नेशनल सेन्टर फार दि परफॉर्मिंग आर्ट्स, मुम्बई को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदिके रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विषय की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 144/2001/फा. सं. 197/107/2001-आईटीए-1]

समर भद्र, अवसर सचिव

New Delhi, the 7th June, 2001

(INCOME-TAX)

S.O.2807.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Centre for the Performing Arts, Mumbai" for the purpose

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of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely:—

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 144/2001/F.No. 197/107/2001-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 8 जून, 2001

(आय कर)

का.प्र. 2808.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मिशनरीज आफ चैरिटी, कोलकाता" को वर्ष 2002-03 से 2004-05 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदिके रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान

से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,

- (3) यह अधिवृचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (4) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (5) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिवृचना सं. 145/2001/फा. सं. 197/84/2001-आईटीए.-I]

समर भद्र, अवर सचिव

New Delhi, the 8th June, 2001

(INCOME-TAX)

S.O.2808 --In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Missionaries of Charity, Kolkata" for the purpose of the said sub-clause for the assessment years 2002-03 to 2004-05 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 145/2001/F.No. 197/84/2001-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 जुलाई, 2001

आय कर

का.आ.2809.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "एस. आर. एस. विल्डनस विलेज आफ इंडिया नई दिल्ली" को वर्ष 2000-01 से 2002-03 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (2) कर निर्धारिता उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवा-हिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (3) यह अधिवृचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (4) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (5) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिवृचना सं. 206/2001/फा. सं. 197/119/2001-आयकर नि. -I]

श्रीमती प्रेमिला भारद्वाज, निदेशक (आ. क.नि.-I)

New Delhi, the 9th July, 2001

(INCOME-TAX)

S.O.2809.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the

Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "S.O.S. Children's Village of India, New Delhi" for the purpose of the said sub-clause for the assessment years 2000-01 to 2002-03 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 206/2001/F.No. 197/119/2001-ITA-I]
MRS. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 12 जुलाई, 2001

(आयकर)

का.आ.2810—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "राष्ट्रोत्थान परिषद बंगलौर" को 2000-01 से 2002-03 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिणी उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबकि जबाबि-

रात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) के विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेगी

[अधिसूचना सं. 208/2001/फा. सं. 197/ 71/2001-आयकर नि. I]

श्रीमती प्रेमिला भारद्वाज, निदेशक (आ. क. नि. I)

New Delhi, the 12th July, 2001

(INCOME-TAX)

S.O.2810. In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Rastrotahna Parishat, Bangalore" for the purpose of the said sub-clause for the assessment years 2000-01 to 2002-03 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the object for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned a ... wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the come-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 208/2001 F.No. 197/71/2001-ITA-I]
Mrs. PROMILA BHARDWAJ, Dir. (ITA-I)

नई दिल्ली, 16 जुलाई, 2001

(आयकर)

का.आ. 2811.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "होमी भाभा फेलोशिप काउंसिल मुम्बई" को 2000-2001 से 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल्स-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक वंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) यह कि विघटन की स्थिति में इसकी अतिरिक्त राशियों और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 209/2001/फा. सं. 197/133/2001-आयकर नि. I]

श्रीमती प्रोमिला भारद्वाज निदेशक (आयकर नि.-I)

New Delhi, the 16th July, 2001

(INCOME-TAX)

S.O.2811.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the 'Homi Bhabha Fellowship Council, Mumbai' for the purpose of the said sub-clause for the assessment year 2000-2001 to 2002-2003 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wisethan in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the ass... and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 209/2001/F.No. 197/133/2001-ITA-I]

Mrs. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 16 जुलाई, 2001

(आय कर)

का.आ.सं. 2812.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "आयल कीआर्गिजेशन कमेटी, नई दिल्ली" को 2001-2002 से 2003-2004 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ,

- (2) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढग अथवा तरीको से भिन्न तरीको से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (3) यह अधिसूचना किसी ऐसी आय के सबध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अधिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के सबध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो,
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (5) यह कि विघटन की स्थिति में इसकी प्रतिरिक्त राशियों और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दी जाएगी।

[अधिसूचना सं 210/2001 फा सं 197/132/2001-आयकर नि. -I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि -I)

New Delhi, the 16th July, 2001

(INCOME-TAX)

SO 2812.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Oil Coordination Committee, New Delhi" for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions, namely .

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than any one or more of the form or modes specified in sub-section (5) of Section 11,
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the

attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 210/2001/F.No.197/132/2001-ITA-I]
Mrs. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 16 जुलाई, 2001

आय कर

का आ 2813—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सेन्टर फार सोशियल रिसर्च, वसन्त कुज, नई दिल्ली" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् —

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उक्त संघन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारिती उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढग अथवा तरीको से भिन्न तरीको से उसकी निधि (जेवर-जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (3) यह अधिसूचना किसी आय के सबध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अधिलाभ ही जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के सबध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो,
- (4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,

- (5) यह कि विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 211/2001/फा. सं. 197/130/2001-आयकर नि.-I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि. I)

New Delhi, the 16th July, 2001

(INCOME-TAX)

S.O.2813.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Centre for Social Research" Vasant Kunj, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 211/2001/F.No.197/130/2001-ITA-I]
Mrs. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 31 जुलाई, 2001

(आय कर)

का.आ.2814:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वारा "केरल मोटर ट्रांसपोर्ट वर्कर्स वेलफेयर फंड बोर्ड, कोलाम" को 1991-92 से 1993-94 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) यह कि विषय की स्थिति में इसको अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 224/2001/फा. सं. 197/138/2001-आयकर नि.-I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि.-I)

New Delhi, the 31st July, 2001

(INCOME-TAX)

S.O.2814.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Kerala Motor Transport Workers' Welfare Fund Board, Kollam" for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 224/2001 F.No.197/138/2001-ITA-I]

Mrs. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 31 जुलाई, 2001

(आय कर)

का.आ. 2515.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "हिज होलिनेस द दलाई लामा चेरिटेबल ट्रस्ट, नई दिल्ली" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है
- (ii) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदिके रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा जमा नहीं करवा सकेगा
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित उद्देश्यों की प्राप्ति के

लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) यह कि विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ;

[अधिसूचना सं. 225/2001/फा. सं. 197/20/2001-आयकर नि.-1]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि.-1)

New Delhi, the 31st July, 2001

(INCOME-TAX)

S.O. 7815.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "His Holiness The Dalai Lama's Charitable Trust, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 225/2001/F.No. 197/20/2001-ITA-I]
Mrs. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 31 जुलाई 2001

(आय कर)

का.आ. 2816.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “केरल मोटर ट्रांसपोर्ट वर्कर्स वेलफेयर फण्ड बोर्ड कोलाम” को 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिता उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संवर्धन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिता उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक प्रशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अधिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संचयन में अलग से लेखा-मुस्तिकाएं नहीं रखी जाती हो ;
- (iv) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
- (v) यह कि क्विंटन की स्थिति में इसकी अतिरिक्त राशिया और परिसम्पत्तियां समान उद्देश्य वाले धर्मार्थ संगठन को दे दी जाएगी ।

[अधिसूचना सं. 226/2001/फा. सं. 197/139/2001-आ.क.नि. I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि.-I)

New Delhi, the 31st July, 2001

(INCOME TAX)

S.O. 2816.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Kerala Motor Transport Workers’ Welfare Funds Board, Kollam” for the purpose of the said sub-clause for the assess-

ment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc. for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 226/2001/F. No. 197/139/2001-ITA-I]
Mrs. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 31 जुलाई, 2001

(आय कर)

का.आ. 2817.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “युसुक मेहराणी सेंटर, मुम्बई” को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिता उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संवर्धन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिसके लिए इसकी स्थापना की गई है

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 227/2001/फा. सं. 197/23/97—आयकर नि. -I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि.-I)

New Delhi, the 31st July, 2001

(INCOME-TAX)

S.O.2817.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Yusuf Meharally Centre, Mumbai" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the

assessee and separate books of account are maintained in respect of such business.

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 227/2001/F.No. 197/23/97-ITA-I] MRS. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 7 अगस्त, 2001

(आय कर)

का.आ.2818.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा "नेशनल वेलफेयर फंड फोर स्पोर्ट्स परमैन्स, नई दिल्ली" को वर्ष 1993-94 से 1995-96 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारितों के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 233/2001/फा.सं. 197/121/93—आ.क. नि. I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि.-I)

New Delhi, the 7th August, 2001

(INCOME-TAX)

S.O.2818.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Welfare Fund for Sports Persons, New Delhi" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 233/2001/F.No. 197/121/93-ITA-I]
MRS. PROMILA BHARDWAJ, Director (ITA-I)

दिक्खी, 7 अगस्त, 2001

(आय कर)

क्र.सं. 2819.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इण्डियन जिप्सी वर्क्स फेलोशिप ट्रस्ट, हारूर" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनवरतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिणी उपयुक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुगृहीत स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय बिवरणी नियमित रूप से आयकर प्राधिकारी के सम्मक्ष फाइल करेगा;

(v) यह कि विघटन की स्थिति में इसकी प्रतिरिक्त राशियां और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संघटन को देय दी जाएगी।

[अधिसूचना सं. 234/2001 /फा.सं. 197/74/2001—
आयकर नि-I]

श्रीमती प्रोमिला भारद्वाज, निदेशक (आयकर नि-I)

New Delhi, the 7th August, 2001

(INCOME-TAX)

S.O.2819. In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian Gypsy Works Fellowship Trust, Harur" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest for deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 234/2001/F.No. 197/74/2001-ITA-I]
MRS. PROMILA BHARDWAJ, Director (ITA-I)

नई दिल्ली, 7 अगस्त, 2001

(आय कर)

का. अ. स. 2820 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री ब्रह्मतन्त्र स्वतंत्र, परकलस्वामी मठ, मैसूर को 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारित उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (2) कर निर्धारित उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक दृग अथवा तरीकों से निम्न तरीकों में उसकी निधि (जवराजवाहिरात, फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से निम्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (4) कर निर्धारित आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निम्न-

मित रूप में आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (5) यह कि विघटन की स्थिति में इसकी अतिरिक्त राशिधो और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 235 / 2001/का. सं. 197/115/2000-
 आ. क. नि. I]

आई. पी. एस. बिन्दा, प्रवर सचिव

New Delhi, the 7th August, 2001

(INCOME-TAX)

S.O.2820.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Sri Brahmatantra Swatantra, Parakalaswamy Mutt, Mysore” for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 235/2001/F.No. 197/115/2000-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 7 अगस्त, 2001

(आय कर)

का. अ. स. 2821 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “त्रिविकानन्द केन्द्र प्रतिष्ठान,

“चैत्रई” को 2000-01 में 2002-2003 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिनी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिनी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिनी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (4) कर निर्धारिनी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निधमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (5) विघटन की स्थिति में इसकी अनिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 236/2001/फा. सं. 197/143/2001-
आयकर नि. -I]

आई. पी. एस. बिन्दा, अवर सचिव

New Delhi, the 7th August, 2001

(INCOME-TAX)

S.O.2821.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Vivekananda Kendra Pratisthan, Chennai” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributionst received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income tax Act, 1961.

- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 236/2001/F.No. 197/143/2001-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 8 अगस्त, 2001

(आय कर)

का. आ. . 2822.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “रमन महर्षि सेंटर फार लर्निंग, बंगलौर 2002-2003 में 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर निर्धारिनी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;

- (2) कर निर्धारिनी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) यह कि विघटन की स्थिति में इसकी प्रतिरिक्त राशिदां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी

इसे दिनांक 22 जून, 2001 की अधिसूचना सं. 187/2001 को अधिष्ठापित करके जारी किया गया है।

[अधिसूचना सं. 240/2001/फ. सं. 197/125/2001-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 8th August, 2001

(INCOME-TAX)

S.O.2822.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Ramana Maharshi Centre for Learning, Bangalore” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

This issues in supersession of notification No. 187/2001 dated 22nd June, 2001.

[Notification No. 240/2001/F.No. 197/125/2001-ITA-I]

I. P.S. BINDRA, Under Secy.

नई दिल्ली, 14 अगस्त, 2001

(आय कर)

का. आ. 2823.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “ई. ए. एन. —इंडिया” नई दिल्ली को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यता उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 243/2001/फा. सं. 197/113/2000-आ. क. नि.-1]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 14th August, 2001

(INCOME-TAX)

S.O.2823.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "E.A.N.-India, New Delhi." for the purpose of the said sub-clause for the assessment year 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 243/2001/F.No.197/113/2000-ITA-I]

I.P.S. BINDRA, Under Secy.

नई दिल्ली, 16 अगस्त, 2001

(आय कर)

का. आ. 2824 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल इनकम फंड, नई दिल्ली" को 1996-97 से 1998-99 तक के कर निर्धारण वर्षों

के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संवयन पूर्णतया तथा अनन्वयतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संवत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाष हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
- (v) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 245/2001/फा. सं. 197/151/2001-आ. क. नि.-3]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 16th August, 2001

(INCOME-TAX)

S.O.2824.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "National Children's Fund, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate of application, wholly and exclusively to the object for which it is established;

- (ii) the assessee will not invest or deposits its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of the Income-tax Act, 1961.
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.
- [Notification No. 245/2001/F.No.197/151/2001-ITA-I]
- I. P. S. BINDRA, Under Secy.

नई दिल्ली, 16 अगस्त, 2001

(आय कर)

का. आ. 2825 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा "कान्फेडरेशन ऑफ इंडियन इण्डस्ट्री, नई दिल्ली" को 1998-99 से 2000-2001 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक वृंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्निचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ

तथा अमिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

- (iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) यह कि विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 246/2001/का. सं. 197/106/2001-आयकर नि.-I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 16th August, 2001

(INCOME-TAX)

S.O. 2825.--In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Confederation of Indian Industry, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961.

- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 246/2001/F.No.197/106/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 30 अगस्त, 2001

आय कर

का.आ. 2826 :— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “स्टेट इनोवेशन इन फैमिली प्लानिंग सर्विसेस प्रोजेक्ट एजेंसीज, लखनऊ” को 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिराज हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आंतर प्राधिकारी के समक्ष फाइल करेगा,
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 252/2001/फा.सं. 197/44/2001-आ.

क.नि.-I]

आई.पी.एस. बिन्द्रा, अवसर सचिव

New Delhi, the 30th August, 2001

(INCOME-TAX)

S.O. 2826. In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “State Innovation in Family Planning Services Project Agencies, Lucknow” for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 252/2001/F.No. 197/44/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 30 अगस्त, 2001

(आय कर)

का.आ.सं. 2827:— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “गुजरात पोल्यूशन कंट्रोल बोर्ड गांधीनगर” को 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

(ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों में उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निम्नलिखित रूप में आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) यह कि विषटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संघठन को दे दी जाएंगी।

[अधिसूचना सं. 254/2001/फा.सं. 197/79/2001-आयकर
नि.-I]

आई.पी.एम. बिन्द्रा, अवर सचिव

New Delhi, the 30th August, 2001

(INCOME-TAX)

S.O. 1827.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Gujarat Pollution Control Board, Gandhinagar" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions namely :

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business,

unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 254/2001/F.No.197/79/2001/ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 17 सितम्बर, 2001

(आय-कर)

का.आ. 2828.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एनडूआर "गैन्धीनगरी डेवलपमेंट बोर्ड, नई दिल्ली" को 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए, उसका नवचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों में उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निम्नलिखित रूप में आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विषय की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 268/2001/फा.सं. 197/96/2001-आ.क.नि. 1]

आई.पी.एस. बिन्दा, अवर सचिव

New Delhi, the 17th September, 2001

(INCOMET-AX)

S.O. 2828.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Technology Development Board, New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 268/2001/F.N. 197/96/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 17 सितम्बर, 2001

(आय कर)

का.प्र. 2829.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सर्व सेवा संघ, वर्धा" को वर्ष 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित

शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,

- (ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (ज्वेल-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों,

- (iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विषय की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 269/2001/फा.सं. 197/26/2001-आ.-क.नि.-I]

आई.पी.एस. बिन्दा, अवर सचिव

New Delhi, the 17th September, 2001

(INCOME-TAX)

S.O. 2829.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sarva Seva Sangh, Wardha" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions

received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax Authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 269/2001/F. No. 197/26/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 17 सितम्बर, 2001

(आयकर)

का.आ. 2830.— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इन्डो-जर्मन सोशल सर्विस सोसायटी, नई दिल्ली” को 1994-95 से 1996-97 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुगृहीत स्वैच्छिक अशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार

उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी ।

[अधिसूचना सं. 270/2001/का.सं. 197/65/95-आ.-क.नि.-I]

आई.पी.एस. बिन्द्रा, अधर सचिव

New Delhi, the 17th September, 2001

(INCOME-TAX)

S.O. 2830.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961, (43 of 1961), the Central Government hereby notifies the “Indo-German Social Service Society, New Delhi” for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax Authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 270/2001/F. No. 197/65/95-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 2001

(आयकर)

का.आ. 2831—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “गान्धी स्मारक संग्रहालय समिति, राजघाट, नई दिल्ली” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जेबर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिणी आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निधमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशिया और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 308/2001/फा सं 197/128/2001—प्रा.]

क.नि.—I]

आई पी एम. बिन्द्रा, अवर सचिव

New Delhi, the 24th September, 2001

(INCOME-TAX)

S.O. 2831.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Gandhi Smarak Sangrahalaya Samiti, Rajghat, New Delhi” for the purpose of the said sub-clause for the assessment

years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 308/2001/F. No. 197/128/2001—

ITA-I]

I. P. S BINDRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 2001

(आयकर)

का.आ. 2832.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “इंडियन एसोसिएशन ऑफ बीमेन्स स्टडीज, नई दिल्ली” को 1996-97 से 1998-99 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिये इसकी स्थापना की गई है;
- (ii) कर निर्धारिणी उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेबर-जवाहिरात, फर्नीचर अथवा किसी अन्य

अथवा असे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो ;

(iv) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;

(v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जावेंगी ।

[अधिसूचना सं. 310/2001/फा.सं. 197/175/2001-
आ.क.नि.-I]

आई. पी.एस. बिन्दा, अवसर सचिव

New Delhi, the 24th September, 2001

(INCOME-TAX)

S.O. 2832. In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indian Association of Women's Studies, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in

accordance with the provisions of the Income Tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No 310/2001/F No. 197/175/2001-
ITA-1]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 2001

(आयकर)

का.आ. 2832.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रबल शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा "इंडो-जर्सेन सोशल सर्विस सोसायटी, नई दिल्ली" को 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;
- (ii) कर निर्धारिता उपर्युक्त कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान में भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हो ;
- (iv) कर निर्धारिता आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा ;
- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी गई जावेंगी ।

[अधिसूचना सं. 311/2001/फा.सं. 197/155/2001-
आ.क.नि.-I]

आई.पी.एस. बिन्दा, अवसर सचिव

New Delhi, the 24th September, 2001

(INCOME-TAX)

S.O. 2833.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Indo-German Social Service Society, New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 311/2001/F, No. 197/155/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 2001

(आयकर)

का.आ. 2834.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा "श्रीरंगम श्रीमद्व आनन्दवन पेरिआश्रमम्, श्रीरंगम्, टिर्ची" को 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिये निम्नलिखित शर्तों के अधीन रहते हुये उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्वतया उन उद्देश्यों के लिये करेगा जिनके लिये उसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकायें नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणों नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जायेंगी।

[अधिसूचना सं. 312/2001/फा. सं. 197/169/2001-आ.क. नि.-I]

आई.पी.एस. बिन्द्रा, अवर सचिव

New Delhi, the 24th September, 2001

(INCOME-TAX)

S.O. 2834.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Srirangam Srimadh Andavan Periashrmam, Srirangam, Trichy" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income Tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 312/2001/F. No. 197/169/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 2001

(आय कर)

का.प्र. 2835.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "संस्थान श्री देव गणपति पुले मालगुंड रत्नागिरि, महाराष्ट्र" को 1995-96 से 1997-98 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिमूर्चित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेषर-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिमूर्चना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले चर्मार्थ संगठन को दे दी जाएंगी।

[अधिमूर्चना सं. 309/2001/का. सं. 197/172/2001-आ. का.नि. I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 24th September, 2001

(INCOME-TAX)

S.O. 2835.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sansthan Shri Dev Ganapati Pule, Malgund, Ratnagiri, Maharashtra" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 309/2001/F No. 197/172/2001-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली 9 अक्टूबर, 2001

आयकर

का.आ. 2836.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “ज्वाइंट प्लान्ट कमेटी कलकत्ता” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपबृत्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैसे जवाहिरात फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाम हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारों के समक्ष फाइल करेगा
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 320/2001/फा. सं. 197/181/2001-
आयकर नि I.]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 9th October, 2001

(INCOME-TAX)

S.O. 2836.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Joint Plant Committee, Calcutta” for the purpose of the said

sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the income-tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 320/2001/F. No. 197/181/2001-
ITA-I]

I. P. S. BINDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 8 अक्टूबर, 2001

का.आ. 2837.— भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उप-धारा (i) के खण्ड (गक) के अनुसरण में, केन्द्रीय सरकार, एतद्द्वारा स्टेट बैंक आफ़ बीकानेर एंड जयपुर, आंचलिक कार्यालय जोधपुर के विशेष सहायक, श्री एम.एन. जालानी को

9 अक्टूबर, 2001 से 8 अक्टूबर, 2001 तक की तीन वर्ष की अवधि के लिए और उसके पश्चात् उनके उत्तराधिकारी की नियुक्ति होने तक या, उनके स्टेट बैंक ऑफ बीकानेर एंड जयपुर में एक कर्मकार कर्मचारी रहने तक, जो भी पहले हो, उन्हें स्टेट बैंक ऑफ बीकानेर एंड जयपुर के निदेशक मंडल में निदेशक के रूप में नियुक्त करती है।

[फा. सं. 15/6/2000-आर् ई आर]

कृष्ण लाल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 8th October, 2001

S.O. 2837.—In pursuance of clause (ca) of Sub-section (1) of Section 25 read with sub-section (2A)

of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (Act 38 of 1956), the Central Government hereby appoints Shri L. N. Jalandi, Special Assistant, State Bank of Bikaner & Jaipur, Zonal Office, Jodhpur as a Director on the Board of Directors of State Bank of Bikaner & Jaipur for a period of three years with effect from 9th October, 2001 to 8th October, 2004 and thereafter until his successor is appointed or till he ceases to be a workman employee of State Bank of Bikaner & Jaipur, whichever is earlier.

[F. No. 15/6/2000-IR]

KRISHAN LAL, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 8 अक्टूबर, 2001

का.आ. 2838.—दन्त चिकित्सक अधिनियम (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दन्त परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम, की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग-1 में राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेस, बंगलोर को क्रम संख्या 47 और उसमें संबंधित प्रविष्टियों के सामने निम्नलिखित प्रविष्टियां जोड़ी, जाएंगी, अर्थात् :—

राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ साइंसेस, बंगलोर।

दन्त शल्य चिकित्सा

निष्णात

येनेपोया डेंटल कॉलेज बंगलोर

(क) एम. डी. एस.

के स्नातकोत्तर छात्रों के संबंध में

(विकल दन्त विज्ञान) राजीव गांधी

निम्नलिखित दन्त अर्हताएं तभी

यूनिवर्सिटी ऑफ हेल्थ साइंसेस, बंगलोर

मान्यताप्राप्त अर्हताएं होंगी जब

ये 25 से 28 सितम्बर, 1999 को

या उसके बाद प्रदान की गई हों।

(1) एम. डी. एस. (विकलदन्त

(ख) एम. डी. एस. (संरक्षी विज्ञान दन्त

विज्ञान)

चिकित्सा) राजीव गांधी यूनिवर्सिटी

(2) एम. डी. एस. (संरक्षी दन्त

ऑफ हेल्थ साइंसेस, बंगलोर।

चिकित्सा)

(3) एम. डी. एस. (मुखीय-शल्य

(ग) एम. डी. एस. (मुखीय शल्य-

चिकित्सा)

चिकित्सा) राजीव गांधी यूनिवर्सिटी

ऑफ हेल्थ साइंसेस, बंगलोर।

1.

2

3

(4) एम. डी. एस. (मुख्य विकृति) (घ) एम. डी. एस. (मुख्य विकृति)
राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ
आँफ साइसेन्स, बंगलौर।

(ङ) एम. डी. एस.
(प्रोस्थोडॉन्टिक्स) (ड) एम. डी. एस. (प्रोस्थोडॉन्टिक्स)
राजीव गांधी यूनिवर्सिटी ऑफ हेल्थ
साइसेन्स, बंगलौर।

[सं. बी. 12018/14/ 2001-पी एम एस.]

एम. के. राव, निदेशक (एम ई)

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 8th October 2001

S.O. 2838.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in part-I of the Schedule to the said Act namely :—

In part-I of the said Schedule against serial number 47 of Rajiv Gandhi University of Health Sciences, Bangalore and the entries relating thereto, the following entries will be added namely:—

1	2	3	4
47.	Rajiv Gandhi University of Health Sciences (RGUOHS), Bangalore.	Master of Dental Surgery The following dental qualifications shall be recognized qualifications in respect of P. G. students of Yenepoya Dental College, Mangalore when granted on or after 25th to 28th September, 99	a. MDS (Orthodontics) Rajiv Gandhi University of Health Sciences, Bangalore. b. MD (Conservative Dentistry) Rajiv Gandhi University of Health Sciences, Bangalore.
		(1) MDS (Orthodontics) (2) MDS (Conservative Dentistry) (3) MDS (Oral Surgery) (4) MDS (Oral Pathology)	c. MDS (Oral Surgery) Rajiv Gandhi University of Health Sciences, Bangalore.

1	2	3	4
		(5) MDS (Prosthodontics)	d. MDS (Oral Pathology) Rajiv Gandhi University of Health Sciences, Bangalore. e. MDS (Prosthodontics) Rajiv Gandhi University of Health Sciences, Bangalore.

[No. V.-12018/14/2001-PMS]

S. K. RAO, Director (ME)

नई दिल्ली, 8 अक्टूबर, 2001

का.आ. 2839.—दन्त चिकित्सक अधिनियम (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय दन्त परिषद से परामर्श करने के बाद एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची के भाग-I में क्रम संख्या 53 और उसमें संबंधित प्रविष्टियों के बाद निम्नलिखित प्रविष्टियां जोड़ी जाएंगी अर्थात्:—

1	2	3	4
54. चौ. चरन सिंह विश्वविद्यालय, मेरठ।	दन्त शल्य चिकित्सा म्नानक संतोष डेंटल कालेज, गाजियाबाद के बी. डी. एस. के छात्रों के संबंध में यह अर्हता तभी मान्यता- प्राप्त अर्हता होगी जब यह 16 जनवरी, 2001 को अथवा उसके बाद प्रदान की गई हो।	बी. डी. एस. चौ. चरन सिंह विश्वविद्यालय, मेरठ।	

[सं. बी. 12018/18/2001-पी.एम.एस.]

एस. के. राय, निदेशक (एम ई)

New Delhi, the 8th October, 2001

S. O. 2839.—In exercise of the powers conferred by Sub-Section (2) of Section 10 of the Dentists Act (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part-I of the Schedule to the said Act; namely:—

In Part-I of the said Schedule after serial number 53 and the entries relating thereto, the following entries will be added, namely:—

1	2	3	4
54.	Ch. Charan Singh University, Meerut.	Bachelor of Dental Surgery This qualification in respect of B.D.S. students of Santosh Dental	BDS Ch. Charan Singh University, Meerut

1

2

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4

College, Ghaziabad shall be recognized
qualifications when granted
on or after 16th January, 2001.

[No. V 12018/18/2001-PMS
S. K. RAO, Director (ME

पेट्रोलियम और प्राकृतिक गैस मन्त्रालय

नई दिल्ली, 10 अक्टूबर, 2001

का.अ. 2840— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र के सबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वाहन करने के लिए प्राधिकृत करती है, अर्थात् —

अनुसूची

प्राधिकारी का नाम और पता अधिकारिता क्षेत्र

(1)

(2)

श्री एम.एस. मान जिला : फरीदाबाद
जिला भूराजस्व अधिकारी एवं भूमि राज्य : हरियाणा
अर्जन कलेक्टर
जिला फरीदाबाद
हरियाणा राज्य
की स्वीकृति और उसके आधार पर
इंडियन ऑयल कॉर्पोरेशन लिमिटेड
(मार्केटिंग प्रभाग)
उत्तरी क्षेत्र
इंडियन ऑयल भवन,

1

2

युसुफ सराय
नई दिल्ली-110016

[स आर 25011/22/2001-ओ आर-I]

एस. चन्द्रशेखर, अवर सचिव

MINISTRY OF PETROLEUM AND
NATURAL GAS

New Delhi, the 10th October, 2001

S.O. 2840.—In pursuance of clause (a) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule.

SCHEDULE

Name and address of the Authority Area of Jurisdiction

(1)

(2)

Shri M. S. Mann District Faridabad
District Revenue Officer-Cum- State of Haryana
Land Acquisition Collector
District Faridabad
State of Haryana
On acceptance and approval
Indian Oil Corporation Limited
(Marketing Division)
Northern Region
Indian Oil Bhavan
Yusuf Sarai
New Delhi-110016.

[No. R-25011/22/2001-OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 10 अक्टूबर, 2001

का. आ. 2841.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्यांक का. आ. 2570 तारीख 17 नवम्बर 2000 द्वारा, पश्चिमी बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा कच्चे तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 08 दिसम्बर, 2000 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है;

और केन्द्रीय सरकार का, उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किए जाते हैं;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लंगमों से रहित, इस घोषणा के प्रकाशन की तारीख से, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची					
पुलिस थाना : चन्द्रकाना		जिला : मिदनापुर		राज्य : पश्चिमी बंगाल	
गाँव	अधिकारिता सूची संख्या	प्लॉट संख्या	क्षेत्र		
			हेक्टेयर	आर	मैटीआर
1	2	3	4	5	6
भावला	178	295	0	6	75
		301	0	2	92
		302	0	4	76
		303	0	0	20
		304	0	1	18
		305	0	3	50
		306	0	4	73
		328	0	0	20
		496	0	2	85
		500	0	0	20
		501	0	2	97
		502	0	2	76
		503	0	2	02
		504	0	0	56
		505	0	1	74
		506	0	1	83
		528	0	1	78
		529	0	3	48
		530	0	0	58
		532	0	4	89
		534	0	3	57
		556	0	4	18
		557	0	0	32
		558	0	2	51
		580	0	0	20
		581	0	0	47
		582	0	4	73
		583	0	0	32
		585	0	6	26
		587	0	0	42
		588	0	3	20
		589	0	0	83
		618	0	5	05
		619	0	3	48
	631	0	0	99	
	634	0	4	59	

1	2	3	4	5	6
		635	0	6	77
		636	0	1	00
		637	0	5	57
		638	0	1	11
		640	0	1	95
		702	0	6	68
		705	0	0	52
		706	0	2	66
		707	0	3	90
		708	0	1	95
		709	0	3	35
		712	0	5	43
		736	0	0	20
		760	0	10	37
		762	0	0	47
		763	0	6	80
		764	0	4	78
		765	0	1	67
		766	0	3	75
		843	0	1	14
		845	0	5	16
		861	0	0	20
आग्रा	177	127	0	22	83
		148	0	3	85
		149	0	1	32
		150	0	4	01
		151	0	2	66
		152	0	0	74
		153	0	0	42
		197	0	0	20
		198	0	0	23
		199	0	2	21
		200	0	0	32
		201	0	1	67
		202	0	0	74
		234	0	0	20
		243	0	2	30
		244	0	2	23
		245	0	1	11
		246	0	1	39

1	2	3	4	5	6
		247	0	1	81
		249	0	2	51
		250	0	2	09
		251	0	1	95
		256	0	0	20
		257	0	0	20
		261	0	1	21
		273	0	0	51
		274	0	1	46
		275	0	2	65
		276	0	4	04
		277	0	1	95
		278	0	1	96
		280	0	3	34
		281	0	0	42
		284	0	2	78
		286	0	4	36
		299	0	1	16
		300	0	2	76
		301	0	1	67
		303	0	2	16
		304	0	3	32
		305	0	0	20
		331	0	1	15
		332	0	0	47
		333	0	0	20
		342	0	0	83
		343	0	1	15
		344	0	1	62
		345	0	1	93
		346	0	0	81
		349	0	1	10
		350	0	1	71
		351	0	3	83
		352	0	0	20
		380	0	1	11
		387	0	0	47
		388	0	3	82
		389	0	1	30
		390	0	2	92
		391	0	0	91

1	2	3	4	5	6
		582	0	1	67
		585	0	0	20
		589	0	0	70
		590	0	4	25
		591	0	2	99
		594	0	6	08
		604	0	0	32
		605	0	1	53
		606	0	1	26
		607	0	1	02
		608	0	0	28
		610	0	4	12
		636	0	0	20
		637	0	0	83
		638	0	3	48
		639	0	2	56
		640	0	2	78
		641	0	0	42
		642	0	4	39
		643	0	1	46
		644	0	0	24
		645	0	0	20
		650	0	1	02
		651	0	3	62
		652	0	1	81
		656	0	2	92
		657	0	3	34
		658	0	2	72
		1217	0	1	11

[फा. सं. 31015/46/2000-ओ.आर.-I]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 10th October, 2001

S. O. 2841.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2570 dated the 17th November, 2000, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of crude oil from Haldia in the State of West Bengal to Barauni in the State of Bihar, by Indian Oil Corporation Limited;

And whereas, the copies of the said Gazette notification were made available to the public on 08th December, 2000;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Police Station : Chandrakona District : Midnapur			State : West Bengal		
Village	Jurisdiction	Plot.	Area		
	List No.	No.	Hectares	Ares	Centiares
1	2	3	4	5	6
Bhobla	178	295	0	6	75
		301	0	2	92
		302	0	4	76
		303	0	0	20
		304	0	1	18
		305	0	3	50
		306	0	4	73
		328	0	0	20
		496	0	2	85
		500	0	0	20
		501	0	2	97
		502	0	2	76
		503	0	2	02
		504	0	0	56
		505	0	1	74
		506	0	1	83
		528	0	1	78
		529	0	3	48
		530	0	0	58
		532	0	4	89
		534	0	3	57
		556	0	4	18
		557	0	0	32
		558	0	2	51
		580	0	0	20
		581	0	0	47
		582	0	4	73
		583	0	0	32
		585	0	6	26
		587	0	0	42
		588	0	3	20
		589	0	0	83
		618	0	5	05
		619	0	3	48
		631	0	0	99
		634	0	4	59

1	2	3	4	5	6
		635	0	6	77
		636	0	1	00
		637	0	5	57
		638	0	1	11
		640	0	1	95
		702	0	6	68
		705	0	0	52
		706	0	2	66
		707	0	3	90
		708	0	1	95
		709	0	3	35
		712	0	5	43
		736	0	0	20
		760	0	10	37
		762	0	0	47
		763	0	6	80
		764	0	4	78
		765	0	1	67
		766	0	3	75
		843	0	1	14
		845	0	5	16
		861	0	0	20
Agra	177	127	0	22	83
		148	0	3	85
		149	0	1	32
		150	0	4	01
		151	0	2	66
		152	0	0	74
		153	0	0	42
		197	0	0	20
		198	0	0	23
		199	0	2	21
		200	0	0	32
		201	0	1	67
		202	0	0	74
		234	0	0	20
		243	0	2	30
		244	0	2	23
		245	0	1	11
		246	0	1	39

1	2	3	4	5	6
		247	0	1	81
		249	0	2	51
		250	0	2	09
		251	0	1	95
		256	0	0	20
		257	0	0	20
		261	0	1	21
		273	0	0	51
		274	0	1	46
		275	0	2	65
		276			04
		277			95
		278	0	1	96
		280	0	3	34
		281	0	0	42
		284	0	2	78
		286	0	4	36
		299	0	1	16
		300	0	2	76
		301	0	1	67
		303	0	2	16
		304	0	3	32
		305	0	0	20
		331	0	1	15
		332	0	0	47
		333	0	0	20
		342	0	0	83
		343	0	1	15
		344	0	1	62
		345	0	1	93
		346	0	0	81
		349	0	1	10
		350	0	1	71
		351	0	3	83
		352	0	0	20
		380	0	1	11
		387	0	0	47
		388	0	3	82
		389	0	1	30
		390	0	2	92
		391	0	0	91

1	2	3	4	5	6
		582	0	1	67
		585	0	0	20
		589	0	0	70
		590	0	4	25
		591	0	2	99
		594	0	6	08
		604	0	0	32
		605	0	1	53
		606	0	1	26
		607	0	1	02
		608	0	0	28
		610	0	4	12
		636	0	0	20
		637	0	0	83
		638	0	3	48
		639	0	2	56
		640	0	2	78
		641	0	0	42
		642	0	4	39
		643	0	1	46
		644	0	0	24
		645	0	0	20
		650	0	1	02
		651	0	3	62
		652	0	1	81
		656	0	2	92
		657	0	3	34
		658	0	2	72
		1217	0	1	11

[No. R-31015/46/2000 OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 10 अक्टूबर, 2001

शुद्धि पत्र

का.आ. 2842.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र नं. 28 तारीख 14 जुलाई 2001 भाग 2, खण्ड 3, उपखण्ड (ii) के अन्तर्गत प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1622 तारीख 9 जुलाई 2001 द्वारा उस अधिनियम के हिन्दी पाठ से संलग्न अनुसूची में उक्त अधिसूचना में मुद्रण संबंधी हुई त्रुटियों का निम्नलिखित रूप में संशोधन करती है, अर्थात् -

पृष्ठ संख्या 3330: आसन खुर्द गांव के कालम 4 खसरा/किला संख्या के अन्तर्गत लाईन 45 में 9/2 के स्थान पर 19/2 पढ़ें।

[फा. सं. 25011/16/2001-ओ.आर.-I]

एस. चन्द्रशेखर, अवर सचिव

नई दिल्ली, 11 अक्टूबर, 2001

शुद्धि पत्र

का.आ. 2843.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी भारत के राजपत्र नं. 27 भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 7 जुलाई 2001 के अन्तर्गत प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1535 तारीख 3 जुलाई 2001 के तहत उस अधिसूचना के हिन्दी पाठ में और उससे संलग्न अनुसूची में मुद्रण संबंधी हुई त्रुटियों का निम्नलिखित रूप में संशोधन करती है, अर्थात्—

पृष्ठ संख्या 3123 पर पंक्ति 15 में “सक्षम अधिकारी” के स्थान पर “सक्षम प्राधिकारी” पढ़ें।

पृष्ठ संख्या 3133 : भालोट गाँव के क्षेत्रफल के वर्गमीटर से संबंधित स्तम्भ कालम 7 में ऊपर से लाईन 47 में “0” के स्थान पर “04” पढ़ें।

[फा. सं. 25011/17/2001-ओ.आर.-I]

एस. चन्द्रशेखर, अवर सचिव

नई दिल्ली, 12 अक्टूबर, 2001

का. आ. 2844.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि गुजरात राज्य के विरमगाम से हरियाणा राज्य में पानीपत तंकराजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा “सलाया-मथुरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों” के संवर्द्धन के कार्यान्वयन हेतु एक पाइपलाईन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए, उस भूमि में जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाईन बिछाने के संबंध में लिखित रूप में आक्षेप, श्री सुनील शर्मा, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, 33, मुक्तानन्द नगर, गोपालपुरा बाई पास के निकट, जयपुर (राजस्थान) को कर सकेगा।

अनुसूची

तहसील: जमवा रामगढ़		जिला: जयपुर		राज्य: राजस्थान	
गाँव का नाम	खसरा संख्या	क्षेत्रफल			
		हेक्टेयर	एयर	वर्ग मीटर	
1	2	3	4	5	
पीपलावाला	32	0	07	20	
	33	0	04	95	
	31	0	10	80	
	30	0	14	44	
	21	0	68	07	
	20	0	13	90	
	7	0	08	26	
	3	0	03	63	
	1	0	00	85	
	नारदपुरा	240	0	16	43
224		0	15	56	
221		0	17	19	
219		0	06	42	
214/1		0	13	98	
211		0	12	47	
210		0	04	80	
209		0	04	08	
207		0	17	60	
नटाटा		293	0	16	16
	292	0	08	42	
	282	0	18	23	
	283	0	05	71	
	285	0	01	10	
	314	0	10	17	
	315	0	04	79	
	313	0	00	32	
	316	0	00	54	
	317	0	07	42	
	318	0	04	55	
	319	0	01	82	
	321	0	08	01	
	322	0	08	77	

1	2	3	4	5
	348	0	05	11
	325	0	05	56
	347	0	26	05
	179/862	0	00	34
	187	0	14	80
	186	0	00	40
	188	0	07	12
	182	0	00	20
	181	0	04	83
	180	0	08	66
	159	0	09	81
	160	0	02	97
	161	0	08	87
	162	0	02	78
	163	0	04	23
अजबगढ़/हाडीकाबास	86	0	09	88
	17 मिन	0	46	48
	17/1	0	11	83
	24	0	10	56
	22	0	03	22
	18	0	01	76
	17/2	0	28	05
	14	0	10	89
टीकमपुरा	391	0	03	97
	390	0	01	38
	389	0	04	16
	388	0	10	41
	405/3	0	05	50
	405 मिन	0	00	90
	404	0	04	10
	405/1	0	03	67
	427	0	10	80
	424/11	0	05	55
	424/5	0	16	71
	424/2	0	07	42
	420	0	00	86
	446	0	02	18
	445	0	09	91
	443	0	16	34
	464	0	11	85
	469	0	00	33

1	2	3	4	5
	463/1	0	02	06
	470	0	15	82
	493	0	10	19
	492/1	0	05	14
	492/2	0	00	59
	486/1	0	00	77
	487	0	07	82
	489/5	0	04	60
	489/4	0	03	92
	482	0	08	06
	483	0	02	87
	273	0	14	74

[फा. सं. 25011/37/2001-ओ.आर.-I]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 12th October, 2001

S. O. 2844.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the " Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura Sections of Salaya Mathura pipeline System":

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sunil Sharma, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Ltd., 33- Muktanand Nagar, Near Gopalpura Bye Pass, Jaipur (Rajasthan)

SCHEDULE**Tehsil: Jamwa Ramgarh****District : Jaipur****State : Rajasthan**

Name of Village	Khasra No.	Area		
		Hectare	Are	Sq. mtr.
1	2	3	4	5
Piplawala	32	0	07	20
	33	0	04	95
	31	0	10	80
	30	0	14	44
	21	0	68	07
	20	0	13	90
	7	0	08	26
	3	0	03	63
	1	0	00	85
Naradpura	240	0	16	43
	224	0	15	56
	221	0	17	19
	219	0	06	42
	214/1	0	13	98
	211	0	12	47
	210	0	04	80
	209	0	04	08
	207	0	17	60
Natata	293	0	16	16
	292	0	08	42
	282	0	18	23
	283	0	05	71
	285	0	01	10
	314	0	10	17
	315	0	04	79
	313	0	00	32
	316	0	00	54
	317	0	07	42
	318	0	04	55
	319	0	01	82
	321	0	08	01
	322	0	06	77

	2	3	4	5
	348	0	05	11
	325	0	05	56
	347	0	26	05
	179/862	0	00	34
	187	0	14	80
	186	0	00	40
	188	0	07	12
	182	0	00	20
	181	0	04	83
	180	0	03	66
	159	0	09	81
	160	0	02	97
	161	0	08	87
	162	0	02	78
	163	0	04	23
Ajabgarh/Hadikabas	86	0	09	88
	17 Min	0	46	48
	17/1	0	11	83
	24	0	10	56
	22	0	03	22
	18	0	01	76
	17/2	0	28	05
	14	0	10	89
Tikampura	391	0	03	97
	390	0	01	28
	389	0	04	16
	388	0	10	41
	405/3	0	05	50
	405 Min	0	00	90
	404	0	04	10
	405/1	0	03	67
	427	0	10	80
	424/11	0	05	55
	424/5	0	16	71
	424/2	0	07	42
	420	0	00	86
	446	0	02	18
	445	0	09	91
	443	0	16	34
	464	0	11	85
	469	0	00	33

1	2	3	4	5
	463/1	0	02	06
	470	0	15	82
	493	0	10	19
	492/1	0	05	14
	492/2	0	00	59
	486/1	0	00	77
	487	0	07	82
	489/5	0	04	60
	489/4	0	03	92
	482	0	08	06
	483	0	02	87
	273	0	14	74

[No. R-25011/37/2001 OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 12 अक्टूबर, 2001

का. आ. 2845.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में मुन्द्रा पत्तन पर अपरिष्कृत तेल टर्मिनल (सी.ओ.टी.) से पंजाब राज्य में भटिंडा तक मुन्द्रा-भटिंडा पाइपलाइन से होकर अपरिष्कृत तेल के परिवहन के लिए गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसके नीचे उक्त पाइपलाइन बिछाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार को अर्जित करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उनके उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आपत्ति लिखित रूप में श्री ए. आर. चौधरी, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब परिष्कृणी परियोजना, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी), एल.पी.जी. बॉटलिंग संयंत्र, हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड, भगत की कोठी, जोधपुर 342005 को कर सकेगा ;

अनुसूची

तहसील : सिनाना

ज़िला : बाड़मेर

राज्य : राजस्थान

गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
काठडी	506		0	07
	509		2	17
	512	1	1	04
	512	1/2 रास्ता सा.नि.वि. सरकारी भूमि	0	08
	512	2	0	18
	513	रेलवे लाइन जालोर से जोधापुर सरकारी भूमि	0	07
	570		2	07
	512		0	17
	571		0	14
	568	कार्ट ट्रैक सरकारी भूमि	0	01
	563		1	05
	567		1	01
	564		0	04
	566		0	01
	565		1	05
	555		1	19
	573	कार्ट ट्रैक सरकारी भूमि	0	08
	593		0	03
	592		2	18
	586		3	11
	587		2	06
	554		0	01
मोकलसर	1434		0	16
	1433		0	07
	1432		0	10
	1431		0	12
	1420		0	11
	1430		2	01
	1421		0	05
	1429		2	16
	1428		0	14
	1454		0	04
	1427		0	13
	1386		1	09
	1377		2	05
	1384		0	03

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
मोकलसर	1383		1	04
माईलावास	1378		0	01
	1379		0	15
	1357		1	06
	1319		2	01
	1320		1	07
	1297		1	08
	1296		1	16
	1294		1	03
	1380		1	01
	1381		0	04
	1359		1	16
मोतीसरा	397		1	13
	395		1	03
	394		1	09
	392		1	08
	393	गै.मु. आगाँर सरकारी भूमि	1	01
	377	मुडिया रोड मोकलसर से मोतीसरा सरकारी भूमि	0	04
	103	गै.मु. गाँवर सरकारी भूमि	0	16
	102		0	01
	104		1	06
	111		3	05
	125		0	05
	124		0	12
	129		1	02
	136		0	01
	130		1	04
	134		1	02
	154	1	1	03
	158		1	03
	182		1	08
	185		0	07
	184		0	17
	186		1	02
	188		3	11
	231	कार्ट ट्रैक मोतीसरा से राखी सरकारी भूमि	0	02
	205		0	19
	248		0	01

तहसील	सिवाना	ज़िला	बाड़मेर	राज्य	राजस्थान
गाँव का नाम	सर्वेक्षण न.	हिस्सा क्रमांक		ROU क्षेत्रफल	
				बीघा	किस्वा
1	2	3		4	
मोतीसरा	248	1		1	00
	249			0	03
	250			1	14
	252			1	14
	256			2	13
	258			0	14
	258	1		0	15
	258	2		1	06
	257	गै.मु. गौचर सरकारी भूमि		3	16
रास्ती	976			13	07
	996			1	17
	997			1	17
	998			0	03
	995	कार्ट ट्रैक सरकारी भूमि		0	02
	1052			0	19
	1057			0	01
	1049			2	18
	1047			1	14
	1045			1	05
	1043			0	13
	1107			1	01
	1108			1	02
	1109			1	03
	1110			1	06
	1112			0	12
	1113			1	12
	1038	5; रास्ती से सिवाना सरकारी भूमि		0	02
	1114			1	06
	1114	1, गै.मु.. रास्ता सरकारी भूमि		0	02
	1038	गै.मु. बजड सरकारी भूमि		3	08
	924	कार्ट ट्रैक रास्ती से सेवाली सरकारी भूमि		0	01
	770			2	04
	771			0	14
	772			0	10
	773			0	11
	774			1	03
	778			1	05
	779			0	03

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण न.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
रास्ती	780		3	15
	841	3	1	05
	792		2	06
	794		0	19
	841		2	16
	795		1	12
	796		0	01
	810	गै.मु.. बजड सरकारी भूमि	4	07
	810	1 गै.मु.. बजड सरकारी भूमि	1	12
	810	2	0	09
	601	कार्ट ट्रैक सरकारी भूमि	0	04
	614		0	01
	613		1	16
	612	1 गै.मु.. मगरा सरकारी भूमि	0	03
	612	2	2	07
	612	गै.मु.. मगरा सरकारी भूमि	2	12
	610	गै.मु.. मगरा सरकारी भूमि	0	15
	610	3	0	16
	610	2	2	10
	608		3	06
छियाली	38		3	19
	37		2	09
	31	कार्ट ट्रैक सरकारी भूमि	0	02
	1		0	04
	2		2	18
	3		2	02
	4		0	01
सावरड़ा	565		2	18
	566		1	12
	568		2	16
	624	गै.मु.. मगरा सरकारी भूमि	1	03
	624	1	0	15
	622	2	2	03
	619		1	09
	618		0	17
	625	कार्ट ट्रैक छियाली से करमावास	0	02
	628		1	07
	627		1	08

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
सेवाली	477		2	04
	442		3	01
	91		2	03
	88		0	04
	90		3	18
	89		0	03
	101	कार्ट ट्रैक सरकारी भूमि	0	01
	59		0	09
	61		1	04
	62		1	04
	63		1	12
	47		2	12
	114	मुडिया रोड अस्थानाडी से सेवाली सरकारी भूमि	0	06
	165		2	11
	164		0	10
अम्बा का बाड़ा	166		3	07
	167		0	02
	160		2	08
	175	कार्ट ट्रैक से अस्थानाडी सरकारी भूमि	0	04
	231		0	05
	180		0	15
	183		2	13
	182		0	19
	185		2	11
	186		1	05
	188		2	04
	190		1	03
	191		0	11
	192		0	06
	193		1	06
	87	1	2	06
	87	मि.	4	05
	90		2	14
	89		2	01
	94		4	10
	69	कार्ट ट्रैक से कमां का बाड़ा सरकारी भूमि	0	01
	102		0	17
	101		4	06

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
अम्बा का बाड़ा	100		5	00
	108		2	02
	109		0	07
	118	कार्ट ट्रैक कमा का बाड़ा से लोखेटा सरकारी भूमि	0	02
	194		0	11
	193		0	18
	191	कार्ट ट्रैक मगरा सरकारी भूमि	0	06
	182	गै.मु. रास्ता सरकारी भूमि	0	05
	190		0	08
	192		1	08
	181	गै.मु. मगरा सरकारी भूमि	1	05
	209		1	03
	163		0	18
	161		2	17
	162		2	04
	164		2	15
	165		0	15
	158		2	14
	157	1	0	16
	156	313	1	10
	154	312	0	02
	156	गै.मु. औरण सरकारी भूमि	0	08
	155	गै. मु. नाडा सरकारी भूमि	0	17
	154		4	05
	133	कार्ट ट्रैक खेत से खेत सरकारी भूमि	0	05
	229		0	01
	153		0	01
	236		2	05
	240		0	05
	241		2	08
	242		1	12
	244		3	07
	257		1	00
	260		0	09
	259	गै.मु. औरण सरकारी भूमि	1	00
बालिया	154		1	03
	155		0	01
	156		0	17

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
लालिया	153		1	09
	157		3	05
	168		0	14
	169	कार्ट ट्रैक कमां का बाड़ा से लालिया सरकारी भूमि	0	05
	223		0	14
	221		0	18
	220		0	16
	219		0	19
	170		0	01
	218		1	09
	172		1	05
	173		1	13
	174		0	14
	179		0	12
	177		1	06
	181	गें.मु. गाँवर सरकारी भूमि	1	10
	186		0	12
	182	ऑस्फाल्ट रोड समदडी से मजल सा.नि.वि.	0	05
	184	गें.मु. नदी सरकारी भूमि	0	04
	134		0	19
	133		1	16
	132		1	07
	131		0	18
	118		1	18
	122		1	10
	100		0	13
	99		1	12
	98		0	11
	96		0	13
	97	कुआँ	0	02
	95		1	13
	94	गें.मु. रास्ता सरकारी भूमि	0	02
	92		0	14
	93		0	11
	90		0	01
	87		1	09
	88		0	14
	85		0	10

तहसील : सिवाना

ज़िला : बाड़मेर

राज्य : राजस्थान

गँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
लालिया	91		1	15
	65	गँ. मु. नदी सरकारी भूमि	1	04
कोटडी	258	गँ. मु. नदी सरकारी भूमि	0	12
	322	गँ. मु. नदी सरकारी भूमि	0	17
	278		1	10
	277		0	02
	279	गँ. मु. रास्ता सरकारी भूमि	0	04
	303		4	06
	311		0	04
	312		1	00
	301		0	01
	313	2	1	12
	315		1	14
	316		1	08
	317	330	0	01
	318		2	01
	176		0	01
	174		0	15
खरटिया	80		0	19
	80	1	1	16
	79		0	04
	79	1	1	00
	124	कार्ट ट्रैक कोटडी से खरटिया सरकारी भूमि	0	05
	50	375	2	07
	50	1	1	06
	50	2	1	06
	50	6	1	10
	40	गँ. मु. नदी सरकारी भूमि	1	15
	1	7	0	04
	1	6	1	12
	2	गँ. मु. नदी सरकारी भूमि	0	13
	3	1	0	19
	4		5	03
दुदो का बाड़ा	355	गँ. मु. नदी सरकारी भूमि	2	14
	347		5	16
	346		0	03
	348		4	05
	349	कार्ट ट्रैक अजीत से मत खरटिया खालेदारी भूमि	0	02

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
1	2	3	बीघा	बिस्वा
दुदों का बाड़ा	352		3	16
	338	कार्ट ट्रैक से दुदों का बाड़ा सरकारी भूमि	0	02
पातों का बाड़ा	191		1	16
	185		5	16
	183	कार्ट ट्रैक अजीत से पातों का बाड़ा सरकारी भूमि	0	03
	179		3	18
	180		1	09
	152	उत्तर रेलवे	0	03
	150+151	उत्तर रेलवे अजीत से जोधपुर	0	09
	103	276	0	16
	103		1	08
	104		1	04
	105		1	06
	106		2	16
	118		0	03
	107		1	19
	108		1	19
	101	कार्ट ट्रैक मियों का बाड़ा से अजीत सरकारी भूमि	0	02
	109	कार्ट ट्रैक सरकारी भूमि	0	01
	100		0	05
	96		2	14
पातों का बाड़ा	89		1	13
	91		6	00
	92		0	06
	20	गै. मु. मगरा सरकारी भूमि	6	05
	20	275 गै. मु. नदी सरकारी भूमि	1	00
	23		2	18
	24		1	15
	25		2	19
	64		1	10
	73		1	07
	72		1	11
	70		2	05
	69		2	19
	50		1	04
मियों का बाड़ा	32		1	05
	31	कार्ट ट्रैक चारडीया से खेजड्याली सरकारी भूमि	0	02
	30	1	0	10

तहसील : सिवाना		जिला : बाड़मेर	राज्य : राजस्थान	
गाँव का नाम	सर्वेक्षण नं.	हिस्सा क्रमांक	ROU क्षेत्रफल	
			बीघा	बिस्वा
1	2	3	4	
भियों का बाड़ा	30		1	12
	29		4	13
	26		6	14
चिरडीया	62		2	16
	63		1	05
	41		1	01
	42		2	01
	43		2	15
	59		1	13
	58		3	06
	186	कर्ट ट्रैक चारडीया से ब्लेजड्याली सरकारी भूमि	0	03
	177		0	01
	176		4	01
	194		1	00
	193		4	06
	192-		0	02

[फा. सं. 31015/23/2001-ओ.आर-II]

हरीश कुमार, अपर सचिव

New Delhi, the 12th October, 2001

S. O. 2845.— Whereas it appears to the Central Government that it is necessary in the public interest, that for the transportation of crude oil from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bhatinda in the State of Punjab, through Mundra - Bhatinda pipeline, a pipeline should be laid by Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.);

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user (ROU) in the land described under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification ;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying pipeline under the land to Shri A.R. CHAUDHARY, Competent Authority, Mundra - Bhatinda Crude Oil Pipeline, Punjab Refinery Project, Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Ltd.), L.P.G. Bottling Plant, Hindustan Petroleum Corporation Ltd., Bhagat Ki Kothi, Jodhpur- 342 005.

SCHEDULE

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
KATHARI	506		0	07
	509		2	17
	512	1	1	04
	512	1/2 Road PWD G.L.	0	08
	512	2	0	18
	513	Railway line Jalor to Jodhpur G.L.	0	07
	570		2	07
	512		0	17
	571		0	14
	568	Cart Track G.L.	0	01
	563		1	05
	567		1	01
	564		0	04
	566		0	01
	565		1	05
	555		1	19
	573	Cart Track G.L.	0	08
	593		0	03
	592		2	18
	586		3	11
MOKALASAR	587		2	06
	554		0	01
	1434		0	16
	1433		0	07
	1432		0	10
	1431		0	12
	1420		0	11
	1430		2	01
	1421		0	05
	1429		2	16
	1428		0	14
	1454		0	04
	1427		0	13
	1386		1	09
	1377		2	05
	1384		0	03
	1383		1	04

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part If Any	ROU Area	
			Biga	Biswa
1	2	3	4	
MAILAWAS	1378		0	01
	1379		0	15
	1357		1	06
	1319		2	01
	1320		1	07
	1297		1	08
	1296		1	16
	1294		1	03
	1380		1	01
	1381		0	04
	1359		1	16
MOTISARA	397		1	13
	395		1	03
	394		1	09
	392		1	08
	393	AGORE G.L	1	01
	377	Metal Road Mokalsar to Motisara G.L	0	04
	103	GOCHAR G.L.	0	16
	102		0	01
	104		1	06
	111		3	05
	125		0	05
	124		0	12
	129		1	02
	136		0	01
	130		1	04
	134		1	02
	154	1	1	03
	158		1	03
	182		1	08
	185		0	07
	184		0	17
	186		1	02
	188		3	11
	231	CT Motisara to Rakhi G.L.	0	02
	205		0	19
	248		0	01
	248	1	1	00
	249		0	03
	250		1	14

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
MOTISARA	252		1	14
	256		2	13
	258		0	14
	258	1	0	15
	258	2	1	06
	257	GOCHAR G.L.	3	16
RAKHI	976		13	07
	996		1	17
	997		1	17
	998		0	03
	995	Cart Track G.L.	0	02
	1052		0	19
	1057		0	01
	1049		2	18
	1047		1	14
	1045		1	05
	1043		0	13
	1107		1	01
	1108		1	02
	1109		1	03
	1110		1	06
	1112		0	12
	1113		1	12
	1038	5; Road Rakhi To Siwana G.L.	0	02
	1114		1	06
	1114	1; Cart Track G.L.	0	02
	1038	BANJER G.L.	3	08
	924	CT Rakhi to Sevali G.L.	0	01
	770		2	04
	771		0	14
	772		0	10
	773		0	11
	774		1	03
	778		1	05
	779		0	03
	780		3	15
	841	3	1	05
	792		2	06
	794		0	19

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
RAKHI	841		2	16
	795		1	12
	796		0	01
	810	BANJER G.L.	4	07
	810	1; BANJER G.L.	1	12
	810	2	0	09
	601	Cart Track G.L.	0	04
	614		0	01
	613		1	16
	612	1 MAGARA G.L.	0	03
	612	2	2	07
	612	MAGARA G.L.	2	12
	610	MAGARA G.L.	0	15
	610	3	0	16
	610	2	2	10
CHHIYALI	608		3	06
	38		3	19
	37		2	09
	31	Cart Track GL	0	02
	1		0	04
	2		2	18
	3		2	02
	4		0	01
	565		2	18
	566		1	12
SAWARDA	568		2	16
	624	MAGARA G.L.	1	03
	624	1	0	15
	622	2	2	03
	619		1	09
	618		0	17
	625	Cart Track Chhiyali to Kamawas	0	02
	628		1	07
	627		1	08
	477		2	04
SEWALI	442		3	01
	91		2	03
	88		0	04
	90		3	18

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part If Any	ROU Area	
			Biga	Biswa
1	2	3	4	
SEWALI	89		0	03
	101	Cart Track G.L.	0	01
	59		0	09
	61		1	04
	62		1	04
	63		1	12
	47		2	12
	114	Metalled Road Arthanadi to Sewali G.	0	06
	165		2	11
	164		0	10
	166		3	07
	167		0	02
	160		2	08
	175	CT to Arthnadi G.L.	0	04
	231		0	05
	180		0	15
	183		2	13
	182		0	19
	185		2	11
	186		1	05
	188		2	04
	190		1	03
	191		0	11
	192		0	06
	193		1	06
AMBA KA WARA	87	1	2	06
	87	min	4	05
	90		2	14
	89		2	01
	94		4	10
	69	CT to Kamanka wara G.L.	0	01
	102		0	17
	101		4	06
	100		5	00
	108		2	02
	109		0	07
	118	CT Kaman ka wara to Lakheta G.L.	0	02
	194		0	11
	193		0	18
	191	MAGARA G.L.	0	06

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
AMBA KA WARA	182	Cart Track G.L.	0	05
	190		0	08
	192		1	08
	181	MAGARA G.L.	1	05
	218		1	03
	163		0	18
	161		2	17
	162		2	04
	164		2	15
	165		0	15
	158		2	14
	157	1	0	16
	156	313	1	10
	154	312	0	02
	156	ORAN G.L.	0	08
	155	NADA G.L.	0	17
	154		4	05
	133	CT Field to Field G.L.	0	05
	229		0	01
	153		0	01
LALIYA	236		2	05
	240		0	05
	241		2	08
	242		1	12
	244		3	07
	257		1	00
	260		0	09
	259	ORAN G.L.	1	00
	154		1	03
	155		0	01
	156		0	17
	153		1	09
	157		3	05
	168		0	14
	169	CT Kaman ka Wara to Laliya G.L.	0	05
	223		0	14
	221		0	18
	220		0	16
	219		0	19

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
LALIYA	170		0	01
	218		1	09
	172		1	05
	173		1	13
	174		0	14
	179		0	12
	177		1	06
	181	GOCHAR G.L.	1	10
	186		0	12
	182	Asph.Road Samdari to Majal PWD	0	05
	184	River G.L.	0	04
	134		0	19
	133		1	16
	132		1	07
	131		0	18
	118		1	18
	122		1	10
	100		0	13
	99		1	12
	98		0	11
	96		0	13
	97	Well	0	02
	95		1	13
	94	Cart Track G.L.	0	02
	92		0	14
	93		0	11
	90		0	01
	87		1	09
	88		0	14
	85		0	10
	91		1	15
KOTRI	65	River G.L.	1	04
	258	River G.L.	0	12
	322	River G.L.	0	17
	278		1	10
	277		0	02
	279	Cart Track G.L.	0	04
	303		4	06
	311		0	04

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
KOTRI	312		1	00
	301		0	01
	313	2	1	12
	315		1	14
	316		1	08
	317	330	0	01
	318		2	01
	176		0	01
	174		0	15
	80		0	19
KHARANTIYA	80	1	1	16
	79		0	04
	79	1	1	00
	124	CT Kotri to Kharatiya G.L.	0	05
	50	375	2	07
	50	1	1	06
	50	2	1	06
	50	6	1	10
	40	River G.L.	1	15
	1	7	0	04
	1	6	1	12
	2	River G.L.	0	13
	3		0	19
	4		5	03
DUDA KA WARA	355	River G.L.	2	14
	347		5	16
	346		0	03
	348		4	05
	349	CT Ajit to Math Kharantiya	0	02
	352		3	16
	338	CT to Duda ka Wara G.L.	0	02
	191		1	16
PATON KA WARA	185		5	16
	183	CT Ajit to Patow ka wada G.L.	0	03
	179		3	18
	180		1	09
	152	N.Railway	0	03
	150+151	N.Railway Ajit to Jodhpur	0	09
	103	276	0	16
	103		1	08
	104		1	04
	105		1	06
	106		2	16

Tehsil : SIWANA

District : Barmer

State : Rajasthan

Name of Village	Survey No.	Part if Any	ROU Area	
			Biga	Biswa
1	2	3	4	
PATON KA WARA	118		0	03
	107		1	19
	108		1	19
	101	CT Miyon ka wara to Ajit G.L.	0	02
	109	Cart Track G L	0	01
	100		0	05
	96		2	14
	89		1	13
	91		6	00
	92		0	06
	20	MAGARA G.L.	6	05
	20	275 River G.L.	1	00
	23		2	18
	24		1	15
	25		2	19
	64		1	10
	73		1	07
	72		1	11
	70		2	05
	69		2	19
	50		1	04
MIYON KA	32		1	05
WARA	31	CT Chardiya to Khejriyali G.L.	0	02
	30	1	0	10
	30		1	12
	29		4	13
	26		6	14
CHIRDIYA	62		2	16
	63		1	05
	41		1	01
	42		2	01
	43		2	15
	59		1	13
	58		3	06
	186	CT Chardiya Kheriyali G.L	0	03
	177		0	01
	176		4	01
	194		1	00
	193		4	06
	192		0	02

[No. R-31015/23/2001 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 19 अक्टूबर, 2001

का. आ. 2846.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में नीचे दी गई अनुसूची के स्तंभ (1) में विनिर्दिष्ट व्यक्तियों को, उक्त अनुसूची के स्तंभ (2) में विनिर्दिष्ट क्षेत्रों की बाबत आन्ध्र प्रदेश राज्य में अवस्थित विभिन्न उपभोक्ताओं को वितरण के लिए मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड (जी. टी. आई. सी. एल.) जिसका रजिस्ट्रीकृत कार्यालय आर. पी. एल. हाउस, तृतीय तल, 15, बालचंद हीराचन्द मार्ग, बेलार्ड एस्टेट, मुम्बई-400038 में है, द्वारा गोवा के उत्तरी और दक्षिणी अपलट में और आन्ध्र प्रदेश में संरचनाओं में उसकी संप्रवर्तक कंपनी अर्थात् मैसर्स रिलायंस इण्डस्ट्रीज के खोज-खंडों में उत्पादित प्राकृतिक गैस के परिवहन के लिए, पाइपलाइन बिछाए जाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है।

अनुसूची

	व्यक्तियों के नाम और पते	अधिकारिता का क्षेत्र
	(1)	(2)
1.	श्री पी. वी. रमण, विशेष श्रेणी का उप-कलक्टर, जो वर्तमान में आन्ध्र प्रदेश सरकार, राजस्व विभाग, हैदराबाद में सहायक सचिव के रूप में कार्य कर रहे हैं, मार्फत मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी आर. पी. एल. हाउस, तृतीय तल, 15 बालचन्द हीराचन्द्र मार्ग, बेलार्ड एस्टेट, मुम्बई-400038	हैदराबाद, रंगारेड्डी, मेडक, नालगोंडा, खम्माम, कृष्णा, पूर्वी गोदावरी और पश्चिमी गोदावरी जिले।
2.	श्री पी. बच्चा रेड्डी, उप-कलक्टर, (सेवानिवृत्ति) आन्ध्र प्रदेश सरकार, मार्फत मैसर्स गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी आर. पी. एल. हाउस, तृतीय तल, 15 बालचन्द हीराचन्द्र मार्ग, बेलार्ड एस्टेट, मुम्बई-400038	हैदराबाद, रंगारेड्डी, मेडक, नालगोंडा, खम्माम, कृष्णा, पूर्वी गोदावरी और पश्चिमी गोदावरी जिले।

[फा. सं. एल-14014/9/01—जीपी]

स्वामी सिंह, निदेशक

New Delhi, the 19th October, 2001

S. O. 2846.— in pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the persons specified in column (1) of the Schedule below to perform the functions of the competent authority under the said Act, for laying of the pipeline by M/s Gas Transportation and Infrastructure Company Limited (GTICL), having its Registered office at R.P.L. House, 3rd floor, 15, Walchand Hirachand Marg, Ballard Estate, Mumbai-400038, for transportation of natural gas produced in the exploration blocks of its promoter company, namely, M/s Reliance Industries Limited, in northern and southern offshore of Goa and structures in Andhra Pradesh for distribution to various consumers located in the State of Andhra Pradesh, in respect of the areas specified in column (2) of the Schedule:

SCHEDULE

Name and address of the persons	Areas of jurisdiction
(1)	(2)
(1) Shri P.V. Ramana, Special Grade Deputy Collector, presently working as Assistant Secretary to the Government of Andhra Pradesh, Revenue Department, Hyderabad C/o M/s Gas Transportation and Infrastructure Company R.P.L. House, 3 rd Floor, 15, Walchand Hirachand Marg, Ballard Estate, Mumbai-400038	Districts of Hyderabad, Rangareddi, Medak, Nalgonda, Khamam, Krishna, East Godavari and West Goodavari.
(2) Shri P. Butcha Reddy, Deputy Collector (Retired), Government of Andhra Pradesh, C/o M/s Gas Transportation and Infrastructure Company R.P.L. House, 3 rd Floor, 15, Walchand Hirachand Marg, Ballard Estate, Mumbai-400038	Districts of Hyderabad, Rangareddi, Medak, Nalgonda, Khamam, Krishna, East Godavari and West Goodavari

[No L-14014/9/01—GP]
SWAMI SINGH, Director

श्रम मंत्रालय

नई दिल्ली, 21 सितम्बर, 2001

का.आ. 2847-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी.सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-2001 को प्राप्त हुआ था।

[सं. एल-30011/4/99-आई आर (एम)]

बी.एम. डेविड, अवसर सचिव

MINISTRY OF LABOUR

New Delhi, the 21st September, 2001

S.O. 2847.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Ahmedabad (Gujarat) as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Oil and Natural Gas Corporation and their workmen which was received by the Central Government on 18-9-2001.

[No. L-30011/4/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SMT. N. J. SHELAT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

Ref. (ITC) No. 121 of 1999

ADJUDICATION

BETWEEN

(1) General Manager,
Oil and Natural Gas Commission,
Mehsana.

(2) M/s. Swastik Mazdoor Contractor,
Sahakari Mandali Ltd., 1, Sardar Shopping
Centre, Congress Bhawan, Mehsana. ... First Party.

Vs.

The workmen employed under it. ... Second party.

In the matter whether Gujarat Mazdoor Panchayat is justified in demanding employment for workmen listed in Annexure with ONGC Ltd, Mehsana, declaring contract with M/s. Swastik Mazdoor Contractor Sahakari Mandali Ltd. as shown contract and wages for the period these workmen have not been provided employment for workmen listed in Annexure with ONGC work? If yes, what relief these workmen are entitled to?

APPEARANCES :

No one for the first party.

No one for the second party.

AWARD

The above-mentioned industrial dispute between the parties as above has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Govt. of India, Ministry of Labour, New Delhi's order No. L-30011/4/99/IR(M) dated 8-6-1999 to the Industrial Tribunal Ahmedabad. Subsequently under an appropriate order it has been transferred to this Tribunal for proper adjudication.

2. Before the reference can be heard and finally disposed of, several adjournments were granted from time to time in the interest of justice and also to give opportunity to the 3182 GI/2001—13.

parties to substantiate their claim and a final opportunity was given on 9-7-2001. However, on that day also neither the parties nor their learned representatives cared to remain present before this Tribunal. It is the duty of the second party Union to proceed with the matter and prove their case. Under the circumstances, this Tribunal is left with no other alternative but to dispose of the reference for want of prosecution. Hence I pass following order.

ORDER

The reference stands disposed of for want of prosecution with no order as to cost.

N. J. SHELAT, Presiding Officer

नई दिल्ली, 21 सितम्बर, 2001

का.आ. 2848-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-2001 को प्राप्त हुआ था।

[सं. एल-30012/113/2000-आई आर (एम)]

बी.एम. डेविड, अवसर सचिव

New Delhi, the 21st September, 2001

S.O. 2848.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure in the industrial dispute between the employers in relation to the M/s. Bharat Petroleum Corporation Ltd. and their workmen which was received by the Central Government on 18-9-2001.

[No. L-30012/113/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA

Reference No. 01 of 2001

PARTIES :

Employers in relation to the management of Bharat
Petroleum Corporation Limited

AND

Their workmen.

PRESENT :

Mr. Justice Bharat Prasad Sharma—Presiding Officer.

APPEARANCE :

On behalf of Management—Dr. M. Mukherjee, Counsel
with Mrs. S. Banerjee, Advocate.

On behalf of Workmen—Mr. M. Dutta, Advocate.

STATE : West Bengal.

INDUSTRY : Petroleum.

AWARD

By Order No. L-30012/113/2000/IR(M) dated 8-1-2001 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Bharat Petroleum Corporation Ltd., in not inviting Bengal Oil

and Petroleum Worker's Union to the All India wage Negotiation Committee Meeting is legal and justified? If not, to what relief are the workmen belonging to the Union entitled?"

2. The present reference arises out of industrial dispute raised on behalf of the West Bengal Pradesh National Trade Union Congress and Bengal Oil and Petroleum Workers Union regarding their exclusion from the participation in the negotiations and discussions for long term settlement by the management of M/s. Bharat Petroleum Corporation Ltd. It has been stated on behalf of the union that the Bharat Petroleum Corporation is a public sector industry dealing in petrol, LPG and other petroleum products in which large number of workmen throughout India including the state of West Bengal are employed. It is stated that Bengal Oil and Petrol Workers Union happens to be a registered trade union functioning in the state of West Bengal and outside having substantial number of membership and is one of the recognised unions functioning in the industry. Therefore, it is stated that it has the representative character to represent the workmen employed in the industry. This union is also affiliated to B.P.N.T.U.C. It is further stated that during past the management used to invite the Bengal Oil and Petrol Workers Union (BOPWU in short) to participate in all discussions and negotiations in bipartite and tripartite meetings to arrive at all kinds of agreements and this union played an important role in finalising the agreements. It is further stated that in the year 2000 the management started the process of negotiation of all India long term settlement, but, it did not invite BOPWU without any reason. However, by a letter dated 31st March, 2000 the management informed that unions having minimum of 15 per cent membership would be called for participating the meetings for finalising the long Term Settlement. According to the union this condition was imposed for the first time by the management which was totally arbitrary, illegal and mala fide. According to the Union the management did not ascertain whether the unions which were called for negotiations had fulfilled the criteria, but excluded this union from discussions. It is further stated that BOPWU duly informed the management regarding its membership which was more than 15 per cent of the strength in the region. Therefore, it is stated that the act of the management in not inviting this union for negotiation is wholly mala fide and motivated to break this union. It is also stated that this union has locus standi and legitimate right to participate in the collective bargaining, but was left out by the management with mala fide intention at a crucial period of trade union activity. Therefore, the action of the management amounts to unfair labour practice. In the circumstances the union raised an industrial dispute before the Regional Labour Commissioner (Central), Calcutta by a letter dated 4-4-2000 and proved that the claim of the union regarding its participation in the negotiations be allowed.

3. In the written statement filed on behalf of the management in Para-A the validity and legality of the reference as well as the jurisdiction of the Tribunal have been challenged. It has been stated that actually no union named as Bengal Oil and Petrol Workers Union operates in the region and the said union has no locus standi to raise the dispute. It has also been stated that the union has no requisite number of membership and therefore its claim is fit to be ignored. In Part-B of the written statement it has been stated that the management decided to restrict the number of unions operating in the industry to be invited for participation in all India Long Term Settlement meetings and for this purpose laid down criteria for participation as follows:

- (i) The union having a minimum of 15 per cent membership of workmen of marketing function in the respective region, or
- (ii) The union having a minimum of 5 per cent membership of workmen of marketing function on All-India basis.

Accordingly on this criteria, only those unions which qualify according to the said criteria were invited. For this purpose the management had also clarified that it would continue to discuss the regional and local issues with the other unions as well. Further, it is stated that on 19th March, 1998 the Corporation through a letter had intimated the BOPWU that the existing Wage I.T.S. was valid only upto 31st May 1998 and therefore there was necessity of discussion and finalising a fresh I.T.S. and the management also informed that for determining the representative character of the union across the region the criteria of 15 per cent

of membership in the region was fixed and the unions were accordingly asked to submit a list of their membership along with their names. EDP number and documentary proof of membership and the unions were asked to submit details by 20th April, 1998. It is further stated that as the said union did not furnish list of membership, the management again sent a letter dated 20th January, 2000 requesting them to furnish the list of their membership along with the other details by 30th January, 2000. It is stated that in the said letter it was specifically mentioned that if the union failed to submit the required details then the Corporation shall be guided in the matter by the date available with it. It is further stated that the said union by a letter dated 21st March, 2000 intimated the Corporation that the said union came to know that the management has decided to call a bipartite meeting in the first week of April, 2000 to discuss the charter of demands submitted by all the operating unions relating to wage negotiation and mentioned in the said letter that the union had come to know that the management intended to fix a criteria to determine the number of representatives to represent in the said meeting for and on behalf of the representing unions. They also requested the Corporation to select their representatives. Then the management by a letter dated 31st March, 2000 intimated the three unions, namely, Bengal Oil and Petrol Workers Union, Petroleum Employees Union and Petroleum Workers Union operating in the eastern region that on review of past negotiations and in order to have meaningful dialogue and focussed negotiation it was desirable to negotiate with the unions having certain minimum membership. It was also mentioned in the letter that the Corporation had laid down a criteria for calling the unions to participate in the negotiation for Long Term Settlement. The Petroleum Workers Union by their letter dated 4-1-2001 sent a list of the names of their members numbering 735 out of 1021. On receipt of this letter the management found that some names have been repeated in the list and on scrutiny it found that the actual strength of members of the said union was 700 and not 735 as claimed. It is further stated that Bengal Oil and Petrol Workers Union by their letter dated 11 December, 2000 had also sent a list of their members containing 158 names out of 1021. On receipt of the said list of membership the Corporation scrutinised the same and found that 67 persons were shown as members of both the unions, i.e. P.W.U. and B.O.P.W.U. When the Corporation found that 67 names were common in both the list, the Corporation asked both the unions to satisfy the management as to whether this 67 persons belonged to their union, but, B.O.P.W.U. could not satisfy the Corporation as to the membership of the said 67 persons and as such they did not pursue that the particular 67 persons were the members of their union. On the other hand, P.W.U. during discussion asserted that 42 of such persons were members of their union, but B.O.W.U. had deliberately included their names in its list. In the circumstances, the Corporation was satisfied with the claim of the P.W.U. and as the matter was not pursued by B.O.P.W.U., their claim was not accepted. Subsequent to the discussion and in confirmation of their assertion the said P.W.U. identified the names of 42 persons from the list of common members and conveyed the same in writing to the management. It is stated that as B.O.P.W.U. did not make any confirmation regarding membership of these 42 workmen as their members, their names were deducted from the membership of B.O.P.W.U. to get the clear picture and after deduction of the membership of B.O.P.W.U. their total number came to 116 which is equivalent to 11 per cent. It is stated that whereas the membership strength of P.W.U. comes to 65 per cent the membership of a third union comes to 24 per cent and accordingly B.O.P.W.U. could not invited to participate in the discussion. Accordingly, on behalf of the management, the allegations in the written statement filed on behalf of the union, have been denied and all the allegations have been denied parawise.

4. However, a rejoinder was also filed on behalf of the union and many of the statements made in the written statement of the management have been denied and challenged. So far as the plea on behalf of the management regarding maintainability and validity of the reference is concerned, it has been stated that the plea is vague and without any basis and similarly the question of jurisdiction of the Tribunal does not arise. It has been stated that this union has comfortable and substantial membership to espouse the present dispute and so far as the facts are concerned it has been stated that the criteria laid down by the management for participation of the unions in All India Long Term Settlement meetings is totally an after thought, mala fide and illegal. It has been challenged that there is any basis for deducting the

membership of 42 persons from the list of this union and the entire action of the management is motivated and mala fide.

5. In support of their respective claims, both the parties have produced considerable number of documents, which have been admitted into evidence. So far as the union is concerned, Ext. W-1 happens to be a letter by the General Secretary of the B.O.P.W.U. addressed to the management dated 1st October, 2000 requesting the management to invite them for participation in the negotiations. Ext. W-2 is the letter of the Joint Secretary of the B.O.P.W.U. dated 18-08-1999 to the Director, Human-Resources Service of the Corporation requesting the management to start negotiations. Ext. W-3 is another letter issued by the General Secretary of the B.O.P.W.U. to the Senior Manager, H.R.S. of the Corporation dated 03-04-2000 again reiterating their demand for starting the negotiation. Ext. W-4 is the letter dated 04-04-2000 issued by the Joint General Secretary of the West Bengal Pradesh National Trade Union Congress to the R.L.C., Calcutta alleging that the management had called All India Wage Negotiation Committee meeting at Bombay in the last week of April, 2000 without inviting the representatives of this union to participate. Ext. W-5 is another letter by the same General Secretary of the West Bengal Pradesh National Trade Union Congress to the General Manager, H.R.S. of the Corporation on 11 October, 2000 in reply to the letter of the management dated 21-09-2000 challenging the criteria of the Corporation for participation in the meeting. However, the list of 158 members was also furnished alongwith this letter. Ext. W-6 is a letter from General Secretary, B.O.P.W.U. addressed to the R.L.C.(C), Calcutta alleging the action of the management in not inviting this union during their meeting fixed on 11 January, 2001 to be held at Bangalore. This letter is dated 03-01-2001. Ext. W-7 is the letter from the Chief Personnel Manager of the Corporation to the General Secretary of the B.O.P.W.U. dated 22-12-1989 asking him to forward the names of 3 of their representatives to participate in the discussion for L.T.S. Ext. W-8 is the letter of the management of the Corporation to the General Secretary of the B.O.P.W.U. inviting the union to participate in the discussion on 5th and 6th of December, 1991. This letter is dated 13-11-1991. Ext. W-9 is the letter dated 1st April, 1992 from the Chief Personnel Manager to the General Secretary of the B.O.P.W.U. inviting them to participate in the meeting regarding computer settlement. Ext. W-10 is the letter dated 10-01-1994 from the management to the General Secretary of B.O.P.W.U. inviting them to participate in the meeting to be held at Agra on 19th and 20th January, 1994. Ext. W-11 is another letter from the management to the Joint Secretary of the B.O.P.W.U. inviting him to participate in the meeting at Madras on 4th and 5th of May, 1994. The letter is dated 23rd March, 1994. Ext. W-11 is the letter dated 07-07-1994 by which the General Secretary of the B.O.P.W.U. was invited to participate in the meeting to be held on 11th and 12th July, 1994 regarding promotion policy. Ext. W-13 is the letter dated 23 October, 1998 from the management to the General Secretary of the B.O.P.W.U. for participation in the meeting at Khandala on 29th and 30th October, 1993. Ext. W-14 is the letter dated 12 November, 1998 by the management to the General Secretary of the B.O.P.W.U. inviting them to participate in the meeting on uniform and computer at Hyderabad on 3rd and 4th December, 1998. Ext. W-15 is the letter dated 15 January, 1999 addressed by the management to the General Secretary of the B.O.P.W.U. regarding meeting on uniform and computer at Pune on 29-30 January, 1999. Ext. W-16 is a memorandum of settlement dated 28-04-1987 in which the representatives of this union also were signatories. Similarly, Ext. W-17 is the memorandum of understanding dated 10-10-1990 in which the representatives of this union were signatories. Ext. W-18 is another memorandum of settlement dated 25-03-1991 in which the representatives of this union had participated. Ext. W-19 is the memorandum of settlement dated 22-04-1992 in which the representatives of this union had participated. Ext. W-20 is the memorandum of settlement dated 07-04-1995 in which the representatives of this union had participated and had signed. Ext. W-21 is the memorandum of settlement dated 03-07-1999 in which the representatives of the union were signatories.

6. So far as oral evidence is concerned, both the parties have examined one witness each in support of their respective claims. On behalf of the union WW-1a Subodh Ch. Biswas has been examined who happens to be the Joint Secretary of the union in question. He has stated in his examination in

chief in support what has been stated in the statement of claims filed on behalf of the union. However, in his cross-examination, he said that he has no knowledge that the list submitted on behalf of his union included the names of the persons of another union. He has also admitted in his cross-examination that the membership register of the union is maintained, but it has not been filed. He has further stated that before the Conciliation Officer they had made a prayer that secret ballot be held for deciding the membership of the union regarding the disputed members, but at the same time he also admits that the management was never informed of it. He also does not know whether it was mentioned in the written statement filed on their behalf. It was suggested to him that the management had demanded list of membership of all the unions all over India, which he denied and he also denied any knowledge regarding the fact that smaller unions had formed federation to enable themselves to participate in the negotiation.

7. On the other hand, the lone witness examined on behalf of the management MW-1, Soumesh Roy who happens to be the Senior Manager in charge of Human Resources has stated that on All India basis there were 15 unions working in this organisation and there are about 7000 workers related to marketing. He also stated that in the Eastern Region the number of workers is 1021. He has also stated that the membership of the union i.e., Petroleum Workers Union is 65 per cent in the region and the Petroleum Employees Union is 24 per cent, whereas that of B.O.P.W.U. is 11 per cent only. He had stated that last settlement had expired on 31-05-1998 and the negotiation for the settlement commenced in April, 2000. The discussions were going on at All India level and 10 unions were invited for discussions alongwith a federation, but B.O.P.W.U. was not invited. He has stated that the Corporation has formulated a criteria for inviting the unions to participate in the discussion and the criteria was that the unions concerned must have at least 15 per cent representation in the area concerned or 5 per cent of the total strength at All India level. He also further stated that it was decided that the unions which were not invited for discussion shall be consulted at regional level for regional issues. According to him the policy was circulated to all the unions by letter dated 31-01-2000 prior to the commencement of negotiation. He also further stated that the unions were asked to produce the list of members with other details in documentary form and two of the unions in the region responded to it which included B.O.P.W.U. also. Thereafter a verification was made as was made in other regions. He has also stated that this criteria was fixed because the authorities felt that with so many unions participating, there could not be meaningful discussion. He also further stated that on verification it was found that B.O.P.W.U. had membership of 11 per cent only and therefore they were excluded from discussion. He also further stated that on verification it was found that some of the names of the list submitted by the two unions were common and in course of cross verification it was discovered that there 42 such names out of 158 submitted by B.O.P.W.U. According to him the union P.W.U. claimed membership of these 42 persons and they certified it. He also stated that B.O.P.W.U. was informed accordingly that since it did not possess 15 per cent membership as required and since its strength was only 11 per cent the union was not found fit to be called for discussion. He has also stated that the management had called the representatives of both the unions for verification of membership, but B.O.P.W.U. did not appear while P.W.U. appeared. However, he had stated that the unions were not informed in writing regarding verification of 42 names which were found common. But, he asserted that all the three unions including B.O.P.W.U. were called for verification and cross-checking, but B.O.P.W.U. did not appear.

8. It is thus clear from the above facts that the union has challenged the action of the management and has taken two kinds of pleas. In the first place, the union challenged the action of the management in taking a decision that the unions having membership of 15 per cent of the workforce shall only be called upon to participate in the negotiation for Long Term Settlement. According to the union this kind of decision is arbitrary and illegal and exclusion of the B.O.P.W.U. from negotiation is improper and illegal and amounts to unfair labour practice. In the second place, it has been stated that though the union possesses and controls 15 per cent of membership among the staff in the region, it has been excluded from participation.

9. So far as the first plea is concerned, it has been stated on behalf of the union that earlier in all negotiations this union was called upon to participate and there does not appear to be any justification as to why it has been excluded on a ground that the union having 15 per cent of representation shall only participate. Several documents have been filed to show that the B.O.P.W.U. was invited to participate in all kinds of negotiations earlier. The documents in this regard are Exts. W-7, W-8, W-9, W-10, W-11, W-12, W-13, W-14 and W-15. It has also been pointed out that in several of the settlements earlier arrived at between the management and the workers, the representatives of this union were signatories. These documents are Exts. W-16, W-17, W-18, W-19, W-20 and W-21. Therefore, it has been submitted that the ground on which the union has been excluded from participation is not legal and proper. On the other hand, it has been stated on behalf of the management that the management has taken this decision on All India basis and this is not applicable only to this union. Ext. M-4 has been filed to show that on March 31, 2000 a letter was addressed to the B.O.P.W.U. intimating the decision of the management that for meaningful participation in the negotiation it was desirable that the attendance of the representatives of the workmen should be restricted and for this purpose the criteria was fixed as follows :

- (i) Union having a minimum of 15 per cent membership of workmen in all marketing locations—establishments taken together in the respective regions.
or
- (ii) Union having a minimum of 5 per cent membership of workmen in all marketing locations—establishments taken together on All India basis.

Both the conditions are alternative. Since the present union is an union based in the Eastern Region only, it was supposed that they should have at least 15 per cent of membership of the workmen in order to qualify itself for participation. It has been shown by Ext. M-5 and Ext. M-6 that not only this union, rather the other unions, namely, Petroleum Employees Union and Petroleum Workers Union were also addressed similar letters intimating the decision and it has been stated that the other unions communicated to the management at the earliest that they possess 15 per cent of membership of the workmen in the region. But, the present union, B.O.P.W.U. did not comply with the same till date. It has also been stated on behalf of the management that some of the smaller unions which could not muster strength of 15 per cent of the workforce in the region or 5 per cent of the workforce on All India basis formed some federation in order to qualify for participating in the negotiation. In this regard Ext. M-16 has been filed to show that the three unions, namely, Bharatiya Kamgar Karmachari Mahasangh, Maharashtra General Kamgar Union and Bharat Petroleum Corporation Employees Union formed a federation named as Bharatiya Kamgar Employees Federation and intimated the management that the federation be invited to participate, but the present union did not take any such step. It has also been pointed out by producing and filing some documents that such letters were issued to other unions also outside this region that they shall have to fulfil the criteria on possessing minimum of 15 per cent membership in the region or 5 per cent of membership on All India basis in order to qualify to participate in the negotiation. Ext. M-11 is the letter in this regard addressed to the Bharatiya Kamgar Karmachari Mahasangh, Gurgaon Mumbai, Ext. M-12 is the letter addressed to Maharashtra General Kamgar Union, Ghatkopar, Mumbai and Ext. M-18 is also the letter addressed to the Maharashtra General Kamgar Union in this regard. Therefore, it has been submitted on behalf of the management that this criteria was not fixed only for this particular region; rather, it is applicable to all unions on All India basis and it had been made clear to the unions that this criteria was fixed for the purpose of making negotiations meaningful. It was also made clear that this criteria was applicable only for the purpose of meeting for L.T.S. on wage only and the management would continue to discuss local issues with all the operating unions as and when necessary. In this view of the matter, there does not appear to be any illegality or impropriety in fixing the criteria.

10. So far as the second plea of the union is concerned, it has been stated on behalf of the management that at a late stage, however, a list of members of the union

containing 158 names was submitted to the management. But, on verification it was found that about 42 names were common to this union as well as another union and when the present union was called upon to clarify and explain it, they did not participate, whereas the rival union appeared and participated and they certified that these 42 persons were the members of their union. In this connection, it has been submitted on behalf of the union that even if it is so that a particular worker happens to be member of two unions, it cannot be termed as illegal because in the Trade Unions Act there is no provision to prohibit a worker from becoming member of two unions. There is no doubt about it that such restriction has not been put in the Trade Unions Act, but, when one union is claiming that those persons whose names found place in the list submitted by the B.O.P.W.U. belonged to their union and they verified it before the management, it was necessary for this union to participate and claim that they happened to be members of this union. Had this kind of assertion been made on behalf of the union, it would become a duty on the part of the management to make a thorough verification by checking register of membership and the register maintained regarding subscription collected from members and then the matter could have been settled. But the B.O.P.W.U. did not participate in such meeting for verification for identifying the 42 members and therefore the management accepted the claim of the rival union and treated that those 42 persons were not the members of the union. B.O.P.W.U. and after deduction of these 42 names the strength of the present came down to 11 per cent only in the region. Therefore, on the basis of the criteria they were not qualified to participate in the discussion and accordingly they have been excluded. The union, B.O.P.W.U. also did not produce the membership register or the register of collection of subscription from members to make good their point that these 42 disputed persons were members of their union. So, the conclusion was that this union had included the names of those 42 persons who happened to be members of another union in their list only in order to increase the number of members to make their strength 15 per cent of the workers in the region. In such a situation, the action of the management cannot be said to be arbitrary, malafide or illegal. In the circumstance, the union B.O.P.W.U. has no case to make out that they have been discriminated against by the management in arbitrary and improper manner and they do not appear to be entitled to any relief claimed by them.

11. Accordingly, I hold that the union, Bengal Oil & Petrol Workers Union which has raised the dispute has no case and is not entitled to any kind of relief what-so-ever. Accordingly, the reference is answered and disposed of.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,
The 5th September, 2001

नई दिल्ली, 21 सितम्बर, 2001

का.आ. 2849—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हट्टी गोल्ड माईन्स कं. लि. के प्रवर्तित के संबद्ध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-01 को प्राप्त हुआ था।

[सं. एल-43012/14/97—आई आर(एम)]

बी.एम. डेविड, सचिव

New Delhi, the 21st September, 2001

S.O. 2849.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore (Karnataka) as shown in the Annexure, in the industrial dispute between the employers in relation to the M/s. Hutti Gold Mines Co.

Ltd. and their workmen which was received by the Central Government on the 18-9-2001.

[No. L-43012/14/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT "SHRAM SADAN", III MAIN, III CROSS, II PHASE TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated 4th September, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB, Presiding Officer.

CGIT-CUM-LABOUR COURT, BANGALORE

C.R. No. 65/98

I PARTY

Smt. Jayabai,
W/o Late Shri Lalya Naik,
T. No. 235, Ingaldhal Post,
Lambani Hatti,
Village Chitradurga-577501
(Advocate Shri N. Madhusudhan)

II PARTY

The Executive Director,
Hutti Gold Mines Co. Ltd.,
Chitradurga Gold Unit,
Chitradurga-577501
(Advocate-Shri N.S. Rajaram)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43012/14/97/IR(M) dated 17th August 1998 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the Management of Hutti Gold Mines Co. Ltd. in refusing to settle voluntary retirement benefits in favour of the wife of Shri L. Naik who had opted for voluntary retirement scheme offered before committing suicide on 29-12-96 is justified? If not, to what relief Smt. Jayabai is entitled?"

2. The husband of first party, Smt. Jayabai was working with the management. The management refused Voluntary Retirement to her husband, Late Sri S. Lalya Naik and therefore this dispute is raised.

3. It is seen from the records that this dispute is filed by LRs of the late workman.

4. The case of the first party in brief is as follows :

5. It is the case of first party that her husband was working as General Mining Workman with token number 235 at the Hutti Gold Mines Co. Ltd; Chitradurga Gold unit since 23 years. The management introduced voluntary retirement during April 1996 and the late workman sought voluntary retirement. He applied Voluntary Retirement during June 1996 with the impression that he will get the benefit of Voluntary Retirement during July 1996 which will enable him to get over his son's ailment with medical care and attention as the boy is mentally retarded.

6. Late workman was suffering from deep mental agony. The management directed the workmen who opted for voluntary retirement to work continuously in the mines as there were no funds to pay the benefit. Late workman remained absent from duty for some days which resulted in loss of pay. Late workman borrowed some money from lenders to pay the same after getting the benefit of voluntary retirement but the management has not ordered the late workman. The late workman committed suicide by hanging himself on 29-12-96. First party is the wife of the late workman and she prayed for settlement of account including voluntary retirement

benefit but the management refused to consider the request since the employee in question died before the acceptance of voluntary retirement. The first party approached the Asstt. Labour Commissioner, Hubli and during conciliation the Assistant Labour Commissioner sought information from the management but the employee died before his application could be considered. Late workman submitted the application promptly but the benefits were not given. The first party for these reasons has prayed to pass award in her favour directing the management to pay voluntary retirement benefits.

7. The management filed detailed counter.

8. The case of the management is that the Chitradurga Copper Unit was making heavy losses and was a sick unit ever since its inception and amalgamated as M/s. Hutti Gold Mines Company Limited in order to rehabilitate and rejuvenate and also explore the possibilities of prospects of mining gold, since there was small quantity of gold available as per the geologists reports, and accordingly gold mining project was taken up. The second party decided to reduce the work force of 840 employees by announcing Voluntary Retirement Scheme on 30-5-1996. The second party had interim settlement with the workman on 25-7-1996 on the issue of reducing the surplus personnel and pruning the strength of surplus personnel as stated in para 3 of the counter. Many employees came forward for opting voluntary retirement scheme. The second party due to financial stringencies it could not implement immediately and hence, it could not accept the applications, and also could not inform the acceptance of the applications since it was not in a position to make payments under the VRS, in case it accept the applications of the employees who have opted for the scheme. Mr. Lalya Naik was one of the employees who had submitted his application opting for Voluntary Retirement Scheme on 22-6-1996. But the second party had not selected/accepted his application, by the competent authority namely General Manager/Executive Director and all the applications opting VRS were kept pending.

9. It is repeatedly stated that due to acute financial stringencies the management could not arrange for funds and had evaded the scheme which had expired on 21-11-1996, upto 31-3-1997 and this was informed to representatives of the unions. On 1-3-1997, the second party was not in a position to settle the benefit amounts arising out of VRS in respect of the workmen.

10. It is again stated that the application dated 22-6-96 of Mr. Lalya Naik was not accepted and the question of settling the amount did not arise upto 31-3-1997. It is only after 1-3-1997 in respect of several other employees their application had been accepted by the management and the second party paid the benefits of VRS to them.

11. It is further stated that Mr. Lalya Naik committed suicide in December 1996. The wife of deceased Mr. Lalya Naik had requested the management for payment of benefits arising out of the VRS. But the management had intimated her that since his application had not been accepted during stipulated period and that since all the applications were kept pending, the question of making any payment does not arise. This was also informed during conciliation proceedings.

12. It is further stated that the scheme of VRS announced by the management which has been accepted by the Central Government vide its order No. C1 67 CMI 95 dated 14-5-1996 provides under the Clause 8 that the Competent Authority is the Managing Director of the Company. Clause No. 9.1 specifically mentions that it is the discretion of the Competent Authority to accept or reject the application of any employee for voluntary retirement.

13. There is no merit in this reference and the management has prayed to reject the reference. Parawis replies are also given. The management is not aware of the fact that Mr. Lalya Naik was suffering from mental agony. The management for these reasons and for many other reasons stated with regard to each para has prayed to reject the reference. The management has given details of payment of VRS to employees in para 25 of the counter. The management has prayed to reject the reference.

14. It is seen from the records that Jayabai got examined herself as WW1. Management examined Shri A. J. Rajkumar, Sr. Manager as MW1. I have perused all the documents carefully. The management has filed written argument and I have considered the same.

15. It is seen from the records that the first party after giving evidence remained absent and no one represented her. I have carefully considered the entire material. First party, WW1 has stated in her evidence that after the death of her husband the company gave gratuity, PF and other statutory amount admissible to her. She states in her cross examination that she has no written documents to show that her husband demanded the management to give benefit under VRS. She also says that her husband was hale and healthy till he committed suicide. With this cross examination it is clear that after the death of the workman all the benefits were given to his wife, WW1.

16. We have the evidence of MW1 who has given detailed evidence and has said that deceased Lalya Naik filed application on 1-7-96 as per Ex. M4 and the scheme was extended for a period of 6 months upto 27-11-1996. He had also stated that due to financial constraints the company was unable to settle the application. He categorically states in the evidence that the application of Lalya Naik was not one of the applications among the 109 applications. The deceased Lalya Naik has not given for Voluntary Retirement except to take the benefit under the scheme.

17. The Lalya Naik died during December 1996 and the acceptance of 109 applications are notified on 16-2-1997 and individual notices were given to the workman. He also said that no right can be accrued by virtue of application without their being acceptance by the management. Of course he said that Lalya Naik was not intimated about the VRS application. He says in his cross examination that deceased Lalya Naik was continued to work till he committed suicide. Therefore question of VRS does not arise.

18. The learned counsel appearing for the management has given lengthy written argument contenting that the management due to acute financial stringencies could not arrange for the funds and the period was extended in the meanwhile Mr. Lalya Naik expired. He further contended that the management has intimated the first party stating that the application filed Lalya Naik was not accepted.

19. I have considered the entire material carefully and there is no record filed by the first party to prove that the management accepted the so called voluntary retirement application of Late Lalya Naik.

20. It is in evidence that late Lalya Naik worked till he committed suicide. The learned counsel for the management relied decision reported in 1997 LLJ(2) page 819. I have read the above decision very carefully. Keeping in mind the principles held in the above decision and the fact that the management has not accepted the Voluntary Retirement of late Lalya Naik, I am of the opinion that there is no merit in this reference and I proceed to pass the following order :

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 4th September 2001).

V. N. KULKARNI, Presiding Officer.

नई दिल्ली, 21 सितम्बर, 2001

का.अ. 2850-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में; केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण सेवा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 20-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/267/92-आई आर (बी-II)]
सी. गंगधरन, सचिव सचिव

New Delhi, the 21st. September, 2001

S.O. 2850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Goa as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government, on 20-09-2001.

[No. L-12012/267/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI.

(BEFORE SHRI AJIT J. AGNI, HON'BLE
PRESIDING OFFICER)

Ref. No. IT/5/93

Mr. Wilson Coutinho,
Rep. by Central Bank Employees'
Union, Valpoi,
Sattari—Goa

...Workman/Party I

V/s

The Regional Manager,
Central Bank of India,
Panaji Goa.

Employer/Party II

Party I represented by Adv. Shri C.J. Mane.

Party II represented by Adv. Shri S.A. Samant.

PANAJI, Dated : 6-9-2001

AWARD

In exercise of the powers conferred by clause (d) of sub-Section (1) of section 10 of the Industrial Dispute Act, 1947 the Central Government by order dated 10-12-92 bearing No. L-12012/267/92-IR (B-II) referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of Central Bank of India, Regional Office, Panaji, in imposing punishment of stoppage of two increments on Mr. Wilson Coutinho is justified? If not, to what relief is the workman entitled to?"

2. On receipt of the reference a case was registered under No. IT/5/93 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The Workman-Party I (for short, "Workman") filed his statement of claim at Exb. 5. The facts of the case in brief as pleaded by the workman are that he joined the services of the Employer/Party II (for short, "Employer") on 8th March 1973 and his service conditions are governed by Bipartite settlement dated

19th October 1966. That a charge sheet for misconduct dated 12th November, 1987 was served on the workman and subsequently domestic enquiry was held against him. That the enquiry was conducted by a person with bias mind and the findings submitted by him are perverse. That imposition of punishment of stoppage of two increments is in violation of the Bipartite Settlement and therefore the workman raised the dispute through the Central Bank Employees Union. That since before the conciliation officer the employer took the stand that the workman had not exhausted the available remedies, he filed an appeal before the Appellate Authority which was rejected without proper application of mind. That the workman thereafter raised fresh dispute before the Conciliation Officer and the same ended in failure on 6th July 1992. The workman contended that no charges of misconduct are proved against him nor he committed any misconduct under clause no. 19.5(e) and 19.5(j) of the Bipartite Settlement dated 19-10-66. The workman therefore, contended that the punishment of stoppage of two increments awarded to him by the employer is illegal and unjustified?

3. The employer filed the written statement which is at Exb. 6. The employer stated that at the time when punishment was awarded to the workman, he was governed by Bipartite Settlement but now since he has been promoted as an officer, his service conditions are governed by Officer's Service Regulations. The employer denied that charges levelled against the workman were without basis and stated that the charges of misconduct which were levelled against the workman were that he had remained absent unauthorisedly, he had wilfully disobeyed the lawful and reasonable order of the management, and his continued unauthorised absence had seriously affected the functioning of the branch, particularly relating to the customer service. The employer denied that the Inquiry Officer was bias against the workman or that his findings are perverse. The employer further denied that the punishment of stoppage of two increments awarded to the workman is in violation of Bipartite Settlement. The employer stated that the appeal filed by the workman before the Appellate Authority was dismissed because it was barred by law of limitation. The employer stated that there was a delay of 3½ years in filing the appeal and as per the bipartite settlement the appeal had to be filed within 45 days from the date of the order. The Appellant stated that the workman was given full opportunity to defend himself in the enquiry and the Inquiry Officer had even reopened the enquiry at the request of the workman. The employer contended that the charges levelled against the workman were proved in the enquiry held against him and punishment was awarded to him in terms of the provisions of the Bipartite Settlement.

4. On the pleadings of the parties, following issues were framed at Exb. 7

1. Whether the Party I/Union proves that the domestic enquiry held by the Party II was not fair and proper, the Inquiry Officer being bias in favour of the Party II?
2. Whether the Party-I Union proves that the imposing of punishment of stoppage of two increments of the workman Shri Wilson Coutinho is in violation of the terms of the Bipartite Settlement signed in the year 1966?
3. Whether the charge of misconduct levelled against the workman Shri Wilson Coutinho as proved to the satisfaction of the Tribunal?
4. Whether the Party I/Union proves that the action of the management of Party II in imposing punishment of stoppage of two increments on the workman Shri Wilson Coutinho is not justified?
5. Whether the workman Shri Wilson Coutinho is entitled to any relief?
6. What Award or Order?

5. The issue no. 1 was tried as preliminary issue since the workman had challenged the conducting of domestic enquiry against him. Both the parties led evidence on the said issue and by findings dated 30-1-97 this Tribunal held that the domestic enquiry conducted against the workman is not fair and proper and that therefore the same is liable to be set aside. Accordingly the enquiry was set aside and the parties were asked to lead evidence on the merits of the case. Accordingly, the workman as well as the employer led evidence on the merits of the case and thereafter the case was fixed for passing award. However, before the award was passed the workman filed an application dated 5-9-2001 at Exb. 20 stating that he has asked for voluntary retirement under the Voluntary Retirement Scheme introduced by the employer and as such he is not interested to pursue with the matter and that there is no dispute existing between the parties. The workman prayed that in view of the above, no dispute award be passed. Adv. Shri Samant, representing the employer gave his no objection for passing the no dispute award.

6. The reference of the dispute was made by the Central Government at the instance of the workman. The workman himself has stated in the application filed at Exb. 20 that he has already asked for voluntary retirement under the Voluntary Retirement Scheme introduced by the employer and that he is not interested in pursuing further with the dispute. He himself have stated that he has no dispute with the employer and that there is no existing dispute. Since according to the workman himself the dispute does not exist, the reference does not survive. In the circumstances, I pass the following order.

ORDER

It is hereby held that the reference does not survive since the dispute does not exist.

No order as to cost. Inform the Central Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.अ. 2851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्युरेंस कंपनी के प्रबंधन के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-2001 को प्राप्त हुआ था।

[सं. एल-17011/10/2000-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 25th September, 2001

S.O. 2851.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Company Limited and their workman, which was received by the Central Government on 25-09-2001.

[No. L-17011/10/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT AT HYDERABAD

PRESENT :

Shri E. ISMAIL, Presiding Officer

Dated : 31st August, 2001

INDUSTRIAL DISPUTE NO. 6/2001

BETWEEN :

The Branch Secretary,
General Insurance Employees Union,
Hyderabad Branch, 3-4-308/12,
Lingampally,
Hyderabad-500 027.

-- Petitioner

AND

The Regional Manager,
M/s. National Insurance Co. Ltd.,

Hyderabad Regional Office,
P.B. No. 39, IIIrd Floor,
Mogul's Court, Basheerabad,
Hyderabad-500 001.

-- Respondent

Appearances :

For the Petitioner : The Branch Secretary,
Central Insurance Employees Union.

For the Respondent : Shri Samireri Kishore,
Advocate.

AWARD

This is a reference under Section 10(1)(d) of the I.D. Act, 1947. The reference is :

"Is the management of National Insurance Co. Ltd., Hyderabad justified in removing cashier functions from Smt. Sesha Sai, Asstt. (C), L.B. Nagar Branch, Hyderabad and entrusts the said duties to Shri G. Siddappa ? If not, what relief is the disputant entitled for ?"

The Petitioner/Union filed a claim statement stating that the management arbitrarily wants to remove cashier function from Smt. Sesha Sai, Asstt. (C), L.B. Nagar Branch ignoring the laid down guidelines of their Head Office. They are bound to follow the said guidelines dated 25-5-2000. The management cannot arbitrarily take-away the cashier work from the workwoman. Hence, orders may be passed directing the respondents for retention of Smt. Sesha Sai on cash duties.

2. The respondents filed a counter stating that Smt. Sesha Sai is serving as Asstt. (C), L.B. Nagar Branch and she is holding the function of a Cashier [that] on the said date Cashier functions were not taken away. In fact, one Shri G. Siddappa, who is senior most in the grade of Asstt. (C) came forward to hold the cash functions and his request was under consideration. Smt. Sesha Sai approached the Assistant Labour Commissioner (C). In fact, the Cashier work was not handed over to Shri G. Siddappa and the Cashier work is not taken away from Smt. Sesha Sai.

3. In spite of several adjournments given from 17-7-2001 the petitioner was continuously absent for 6 adjournments including 13th August, 2001. Hence, heard the arguments of the respondents counsel. As the petitioner has not turned out in spite of number of adjournments and the petitioner/Union has failed to produce any evidence in support of her claim. Therefore, the reference is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a Nil Award is passed.

Dictated to Shri P. Kanaka Raju, L.D.C., transcribed by him corrected and pronounced in the Open Court by me on this the 31st day of August, 2001.

E. ISMAIL, Presiding Officer

APPENDIX OF EVIDENCE

Witness examined for the Petitioner	Witness examined for the Respondent
NIL	NIL

Documents marked for the Petitioner/Union
NIL

Documents marked for the Respondent
NIL

नई दिल्ली, 25 सितम्बर 2001

का.आ. 2852.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधिकरण/श्रम न्यायालय बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

[सं. एल.-17012/33/93-आई आर (बी-II)]
सी. गंगधरन, अवर सचिव

New Delhi, the 25th September, 2001

S.O. 2852.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 24-09-2001.

[No. L-17012/33/93-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan",

G. G. Palya, Tumkur Road,

Yeshwantpur, Bangalore—560 022

Dated : 6th September, 2001

Present :

Hon'ble V. N. Kulkarni, Presiding Officer

C.R. No. 51/94

I Party

The General Secretary,
C/o. Shri S. B. Timoli,
"Shiva Prasad",
Near Savanur Nawab
Bungalow,
I Cross, Narayanapur,
Dharwad—580 008.

Appearances :

I Party

II Party

II Party

The Senior Divisional
Manager,
Life Insurance Corpo-
ration of India,
P.B. No. 16,
Dharwad—580 001.

General Secretary

M. L. Visweswaraiiah,
Advocate. . .

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-17012/33/93-IR (B-II) dated 13-05-1994 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Life Insurance Corporation of India, Dharwad in not absorbing Shri B. L. Babar, Part-time Sweeper as Full-time Sweeper is justified ? If not, what relief is the said workman entitled to and from which date ?"

2. I party was working as Sweeper with the II party. He was not absorbed and therefore, the Industrial Disputes is raised.

3. Parties appeared and filed claim and counter statements respectively.

4. The case of the I party in brief is as follows:—

5. I party was appointed as Part-time Sweeper in 1970 with the management upto 1976 and his services were terminated illegally. He filed application to take him back on duty several times, but his request was not considered. It is the further case that the management entered into a settlement before the Industrial Tribunal, Bangalore on 17-8-1987, and it was agreed that he should be reinstated. He was confirmed Part-Time sweeper. The management deducted Provident Fund from the salary. He was given continuity of services. Full benefits were not given to him and he was not made permanent sweeper, and therefore he raised Industrial Dispute. In the conciliation proceedings management agreed to appoint Full Time Sweeper and inspite of that, nothing was done. In April 1991 one Full Time Sweeper has retired from service. Once again I Party requested but he was not appointed as ,

Full Time Sweeper. A widow of another deceased employee was appointed as a Full Time sweeper and she got the job on compassionate grounds. Therefore, the action is not correct in so far as I party is concerned. The I party for these reasons has prayed to pass award in his favour.

6. The case of the II party in brief is as follows,

7. The case of the II party is that, it is true that the I party was appointed as Part-time Sweeper from November 1972 to 10-10-1976. His services were not made permanent and not regular, in view of his unauthorised absence and alleged negligence of his duties. It is true that he approached the Industrial Tribunal, Bangalore and during the hearing an award was passed on 17-8-87 to instate his services without backwages. It is the further case of the management that since the I party was not a regular Sweeper inter alia with the understanding that appointment will be part-time with duty of 4 hours and his services will be considered from the date of joining and the period from 11-10-1976 till he joined duty, and will not entitle him for any wages though the said period will be taken into account only for purpose for computing his service period and the I party accepted the conditions. He was reinstated without backwages. The rules provided only for recruitment of Permanent Staff but not for Part-time as per Life India Corporation of India Recruitment instructions 1979 as stated in Para 8 of the Counter. The management is unable to absorb the Petitioner under existing Statutory Rules of the Corporation. Management for these reasons and for some other reasons has prayed to reject the reference.

8. It is seen from the records that the I party got examined himself as WW 1. He has stated in detail how he joined and how the vacancy arose. He admits in his cross-examination, that during 1976, there was break in service and he was re-appointed in the year 1987. I have carefully gone through all the recruitment rules, and material relied by both sides. I have considered Written Arguments filed by the I party. In view of the available records before me, I am of the opinion that this is a fit case to consider absorption of I party by the management. According to the case of the management, it is found that the I party has worked for a long period and the management has to absorb him and therefore the Management cannot now go back to the terms what has been accepted. The Management on previous occasion has taken service from him. In view of the terms and documents before me, I am of the opinion that the management has to

consider the absorption of I party and accordingly, I proceed to pass the following orders.

ORDER

Reference is partly allowed and Management is directed to absorb I party to the Permanent post without any other benefits including Backwages. Accordingly, the case is disposed off.

(Dictated to the LDC in Camp Court, transcribed by him, corrected and signed by me on 6th September, 2001)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का. प्रा. 2853.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कारपोरेशन बैंक के प्रबंधन के संबंध निवेदनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के संघट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

—[सं. एल-12011/112/99-आई आर (बी-II)]

सी. गंगाधरन, प्रवर सचिव

New Delhi, the 25th September, 2001

S.O. 2853.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workman, which was received by the Central Government on 24-09-2001.

[No. L-12011/112/99-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

"Shram Sadan"

G. G. Palya, Tumkur Road,

Yeshwantpur, Bangalore-560 022.

Dated : 6th September, 2001

PRESENT :

Hon'ble V. N. Kulkarni, Presiding Officer

C. R. No. 4/00

I Party
The Assistant Secretary,
Corporation Bank
Employees Union,
C/o Corporation Bank,
Sujatha Complex, P. B.
Road, P. B. No. 22,
DHARWAD-580 001.

II Party
The Regional Manager,
Corporation Bank,
Regional Office,
Madravarmath Press
Building,
P. B. No. 619,
HUBLI-580.029.

Appearances.

I Party None
II Party : Pradeep.S. Sawkar
Advocate.

AWARD :

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-Section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12011/112/99/IR (B-II), dated 31-12-1998 for adjudication on the following schedule.

SCHEDULE :

"Whether the action of the Management of Corporation Bank, Mangalore is justified in deducting the amount of Rs. 1500/- for the months of December 1997 to February 1998 towards the cost of replacing old key system? If not what relief the workman is entitled to?"

2. The I party workman is working with the II party. A sum of Rs. 1500.00 was deducted for the months of December 1997 to February 1998 towards the cost of replacing Old Key System and an Industrial Dispute was raised and a reference was received by this Tribunal. Notices were sent to the parties. I party since the beginning of this dispute has not appeared before the Tribunal. II party appeared. It appears I party is not interested in this dispute and therefore he remained absent. No purpose will be served if the matter is kept pending, therefore I proceed to pass following order.

ORDER

Reference is Dismissed.

(Dictated to the LDC in camp court, transcribed by him, corrected and signed by me on 6th September, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.प्र. 2854—औद्योगिक विवाद अधिनियम, 1947, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधकों के संबंधितों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम मंत्रालय चेन्नई के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/76/94-आई आर (बी-11)]
सी. गंगाधरन, अवसर सचिव

New Delhi, the 25th September, 2001.

S.O. 2854.—In Pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 24-09-2001.

[No. L-12012/76/94-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 23rd August, 2001

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL-DISPUTE NO. 379/2001

(Tamil Nadu State Industrial Tribunal I D. No 154/94)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri J. Durai and the Management of Indian Bank, Chennai.)

BETWEEN

Sri J. Durai : Party/Workman
S/o S.R. Jayaraman

AND

The General Manager, : II Party/Management
Indian Bank, H O.
Chennai.

Appearance :

For the Workman: M/s. K. Elango &
G. Chamki Raj,
Advocates.

For the Management : M/s. Aiyar & Dolia,
Advocates

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-12012/76/94-IR(B-II) dated 17th June, 1994.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 154/94. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 379/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 19-02-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

Upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side and upon hearing the arguments of learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the Management of Indian Bank, Madras in terminating the services of Shri J. Durai, casual clerk/typist of the erstwhile Bank of Thanjavur (since merged with Indian Bank) with effect from 20-02-1990 is justified? If not, what relief is the said workman entitled to?”

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows :—

The I Party/Workman Sri J. Durai (hereinafter referred to as Petitioner) worked as typist at Central Office, Thanjavur and as messenger in branches of Bank of Thanjavur on daily wages for over 1700 days from July, 1982 to January, 1990. He worked as a messenger at Central Office from 10-7-82 to 30-9-82, at Thirukkattupalli branch from 8-12-82 to 8-3-83, at Udayarpalyam branch from 20-5-83 to 31-5-83, at Lakshmangudi branch from 29-8-83 till 27-9-83, at Nagercoil branch from 9-5-84 to 30-6-84. Besides he worked in the Central Office during the intervening days as typist. He worked as typist at Central Office, Thanjavur from 1-1-85 to 31-3-1990

continuously in all departments of the bank. When the Indian Bank took over the Bank of Thanjavur on February, 1990 he was refused employment without assigning any reasons. When he worked in the Central Office as well as other branches of the Bank of Thanjavur for more than seven years he was neither given permanent employment nor an order of termination/retraining by the Bank. He made several representations through petition and in person to the Indian bank authorities, but he was not taken back into employment. The Bank of Thanjavur was amalgamated with Indian Bank from February, 1990. All the assets & liabilities of the Bank of Thanjavur was taken over by the Indian Bank, which includes the permanent and temporary employees of the Bank of Thanjavur. After amalgamation, the Indian Bank has absorbed several temporary employees as their employees, persons with lesser service and qualifications have been absorbed by the bank. The Petitioner is fully qualified to be absorbed as a typist in the bank. At least he should have been absorbed as a messenger considering his past services. In the Bank of Thanjavur itself, his services should have been regularized since he worked as a typist continuously for more than 240 days. When Indian bank has absorbed several persons who have worked in the Bank of Thanjavur with less service and qualifications non-absorbing the Petitioner is a discrimination violating the Article 14 and 16 of Constitution of India. The Respondent/Indian Bank have deliberately refused to absorb the Claimant in service on the pretext that no documents are available in Bank of Thanjavur to show that the Petitioner had worked in that bank. The act of the Respondent is in violation of legally confirmed obligation of the Respondent/Management to absorb the temporary employees and it is a violation of the provisions of Industrial Disputes Act. Hence, it is prayed that an award may be passed directing the Respondent/Management to absorb the Petitioner as an employee in the bank of the Respondent/Management and regularize his services from the date of amalgamation of Bank of Thanjavur Ltd. with Indian Bank and to pay all the consequential monetary and attendant benefits.

3. The averments in the Counter Statement of the Respondent are briefly as follows :—

At the outset, the Respondent/Bank submits that the Petitioner is not a person who was covered by the Scheme of Amalgamation and not one of the employees of the erstwhile Bank of Thanjavur Ltd. and therefore, the question of his becoming an employee of the Respondent/Bank did not and does not arise. Hence, the relief claimed is misconceived and deserves to be

dismissed in limine. The Petitioner did not choose to take any steps to claim absorption into the service of the Bank of Thanjavur Ltd. The claim of Petitioner is vitiated by laches and delay. He has no right in law to stake such a claim. It is not the case of the Petitioner that Indian Bank terminated his service. When the Petitioner had never deemed an employee of the bank, the question of Indian Bank terminating his service does not arise. The terms of reference does not constitute the case and demand of the Petitioner. There is no legal right inhered in the Petitioner to stake claim firstly for absorption and secondly for regularization in as much as, the case of the Petitioner is for absorption and regularization unless his cause had been espoused by a Union having in it substantial number of workmen of the Indian Bank, it is not an industrial dispute which could be adjudicated by this Hon'ble Tribunal. It is not an industrial dispute coming within the provisions of Section 2A or 2K of the Industrial Disputes Act. The erstwhile Bank of Thanjavur got amalgamated by the Respondent/Bank on 20-2-90 in terms of the scheme of amalgamation sanctioned by the Govt. of India under Section 45 (7) of the Banking Regulation Act, 1949. According to the Petitioner he was working only on casual basis in the erstwhile Bank of Thanjavur Ltd. and the Petitioner did not come within the employees covered by the Scheme of Amalgamation. The question of this Respondent/Bank terminating his service did not and does not arise. The question of taking him back into the services of the Respondent/Bank does not arise because he was never an employee of the Respondent/Bank nor there was any occasion of the Respondent/Bank to terminate his services. It is only the permanent employees of the erstwhile Bank of Thanjavur Ltd. who were on its rolls on 19-2-90 have been taken into the services of the Respondent/Bank. The temporary employees of the erstwhile Bank of Thanjavur Ltd. were not taken into service by the Respondent/Bank. There is no discrimination as alleged by the Petitioner having deliberately kept quite for several years without staking any claim against the erstwhile Bank of Thanjavur Ltd. as an afterthought on amalgamation of the erstwhile Bank of Thanjavur Ltd. with the Respondent/Bank the Petitioner has come out with this frivolous case. Hence, the claim of the Petitioner may be dismissed.

4. When the matter was pending before the Tamil Nadu State Industrial Tribunal and came up for enquiry, the I Party/Workman was examined as WW 1. One witness for the Management was examined as MW 1. Ex. W 1 to W 22 and M 1 series were marked. When the matter was taken

up for enquiry here, WW 1 was recalled and further enquired and one more witness for the I Party/Workman was examined as WW 2. The learned counsel on either side have advanced their respective arguments.

5. The point for my consideration is :-

"Whether the Respondent/Management of Indian Bank Madras, has terminated the services of Sri J. Durai, casual clerk/typist of the erstwhile Bank of Thanjavur with effect from 20-02-90 ? If not, to what relief the said workman is entitled ?"

Point :

The Petitioner Sri J. Durai was engaged by the erstwhile Bank of Thanjavur Ltd. to do the work of typist and messenger on daily wages basis as casual worker. As WW 1 the Petitioner has admitted in his evidence that he used to be paid wages once in a week on every Saturday through vouchers. Ex. W 1 is the xerox copy of the letter dated 5-11-89 sent by the father of the Petitioner one Mr. S. R. Jayaraman, retired Clerk of Bank of Thanjavur Ltd. to the Bank of Thanjavur Ltd. In that, it is stated that the Petitioner his son, was working as temporary typist on daily wages in the bank. Ex. W 4 and W 5 are the xerox copy of the letters dated 18-12-89 and 01-03-90 sent by the Petitioner to the Chairman, Indian Bank, Madras, requesting him to give him a posting in the bank. In those letters also he has stated that he worked as a typist in the Bank of Thanjavur on daily wages. In the cross examination, the Petitioner as WW 1 has admitted that he worked in the Bank of Thanjavur as typist on daily wages and he was treated as a temporary employee. So all these things disclose that the Petitioner was engaged as a casual employee on daily rated wages by the erstwhile Bank of Thanjavur Ltd. Though the concerned employee, the Petitioner was employed as a casual workman in the Bank of Thanjavur Ltd. from 10-7-82 to 19-2-90, he has not raised any dispute claiming regularization of his service as a permanent employee for seeking absorption as an employee in the Bank of Thanjavur Ltd. As WW 1, he has admitted in the cross examination that prior to 31-1-90 he has not taken any steps to move the Court. He has denied the suggestion in the cross examination that he has not asked the Chairman, Bank of Thanjavur Ltd. to make him permanent in the employment and he has only requested him to give a chance in any one of the posts in that bank. Further there is nothing in evidence on the side of the Petitioner that he ever raised any

through the Union seeking absorption in the erstwhile Bank of Thanjavur Ltd. during the period he worked in that bank from 1982 to 1990. In the further Chief Examination WW4 has stated that the Assistant General Manager, Bank of Thanjavur, had given him a certificate dated 1-8-95 stating that he worked as a temporary typist at the Bank of Thanjavur. In the further cross examination, he has admitted that he was not the member of the Union for the employees of Bank of Thanjavur and he had not filed any case against the Management of Bank of Thanjavur for regularization of his service as a permanent employee of that bank. It is his further admission in the cross examination that as a temporary employee of the Bank of Thanjavur, he had not signed any attendance register during his service in that bank and attendance registers were maintained in the Bank of Thanjavur only for the permanent employees of the bank. Further he has admitted in the cross examination that he was given a typist work in the bank on temporary basis subsequent to the retirement of his father from the services of the Bank of Thanjavur and he received the remuneration for the typist once in a week on daily wages basis. WW2 an erstwhile employee of the Bank of Thanjavur, has stated in his evidence that he worked in that bank from 1951 to 1989 and he knew the Petitioner from 1982 since he was also working in Bank of Thanjavur and he retired from service from the Bank of Thanjavur in the year 1989 and that the Petitioner Sri Durai was working in Bank of Thanjavur as a messenger and also as a typist and he was only a temporary employee. Ex. M1 series are the attendance registers maintained by the Bank of Thanjavur. It is the evidence of MW1 that on 20-2-90 the Bank of Thanjavur Ltd. was amalgamated with Indian Bank. At that time, the Petitioner was not in the service of Bank of Thanjavur Ltd. and in Ex. M1 series attendance register, the name of the Petitioner is not available for the years from 1987 to 1990. So these evidences disclose that the Petitioner was not employed by the erstwhile Bank of Thanjavur Ltd. as a permanent employee but was engaged only on a casual basis on daily wages and he was not absorbed into the service of the Indian Bank on the merger of the Bank of Thanjavur Ltd. with Indian Bank on 20-02-90. The documents produced by the Petitioner also show that he was engaged on casual basis by the erstwhile Bank of Thanjavur Ltd. on daily wages.

6. The Schedule of reference for the industrial dispute in question is whether the management of Indian Bank Madras has terminated the services of Sri J. Durai, Casual clerk/typist of erstwhile Bank

of Thanjavur (since merged with Indian Bank) w.e.f. 20-02-90. So in the reference itself the Petitioner has been shown to be casual clerk/typist of Bank of Thanjavur Ltd. earlier. It is the contention of the Petitioner in Claim Statement that when the Indian Bank took over the Bank of Thanjavur on February, 1990, he was refused employment without assigning any reason. It is also his admission in the Claim Statement that though he has put in more than seven years of service in the Central Office of the Bank of Thanjavur Ltd. and its branches, he was neither given permanent employment nor an order of termination/redeployment by the bank. It is his further contention that after amalgamation the Indian Bank has absorbed several temporary employees along with permanent employees of Bank of Thanjavur as their employees and persons with lesser service and qualifications have been absorbed in the bank. So the non-absorbing the Claimant is a discrimination violating the Articles 14 and 16 of Constitution of India. So from these contentions of the Petitioner in the Claim Statement, it is seen that it is not his case that the management of Indian Bank, Madras, ever terminated his service w.e.f. 20-02-90. It is also the evidence of WW1 in the cross examination that from 10-7-82 when he was employed by the Bank of Thanjavur, till the said bank was merged with Indian Bank, no order was passed terminating him from service by the Bank of Thanjavur Ltd. WW2 the ex-employee of the erstwhile Bank of Thanjavur Ltd. in his cross examination has admitted that he knew that when Bank of Thanjavur was merged with Indian Bank on amalgamation, only permanent staff of the Bank of Thanjavur were absorbed by Indian Bank as employees. It is also his admission that to become an employee in the Indian Bank as a typist or clerk, he should be deputed through Banking Service Recruitment Board; likewise, messengers in that bank have to be recruited through Employment Exchange. It is not the case of the Petitioner that he was ever recruited through BSRB for the post of typist or clerk and he was not sent through Employment Exchange for recruiting as a messenger in the bank. It is the contention of the Respondent in the Counter Statement that the Petitioner did not come within the employees covered by the Scheme of Amalgamation and that it is only the permanent employees of erstwhile Bank of Thanjavur, who were all its rolls on 19-2-90 have been taken into the services of the Respondent Bank and the temporary employees of erstwhile Bank of Thanjavur were not taken into the services of Respondent Bank. From the documents filed by the Petitioner, it is seen that he was not a permanent employee of the Bank of Thanjavur Ltd. The fact that the Petitioner has not signed the attendance registers Ex. M1 series maintained by the Bank of Thanjavur Ltd. shows

that he was not in the regular establishment of the erstwhile Bank of Thanjavur Ltd. and he was not the regular employee of the bank. The learned counsel for the Petitioner would argue that as per the clause 10 of amalgamation scheme all the employees of the transferor bank shall continue in service and they deemed to have been appointed by the transferee bank with same remuneration on the same terms and conditions and when the Petitioner was in service for more than 240 days in every year and 480 days in consecutive two calendar years this Management, ought not to have terminated the Petitioner's services without following the procedure established in law and it ought to have made the Petitioner a permanent employee. Even the temporary employee cannot be terminated from his services without giving him an opportunity to be heard. This contention of the learned counsel for the Petitioner that is not correct. Since the facts in this case are quite different, which disclose that the Petitioner was never a permanent employee or an employee appointed on temporary basis by the erstwhile Bank of Thanjavur Ltd. For his employment as casual labour in the erstwhile Bank of Thanjavur Ltd., the Petitioner himself has not claimed to have been served any appointment order by the bank. So at the time of merger of Bank of Thanjavur Ltd. with the Indian Bank on 20-02-90, the Petitioner was neither a permanent employee nor a temporary employee on the rolls of that bank or absorbed casual labourer by the bank on that date. So, from this it is seen that the Petitioner has not made out a case for absorption into the service of Indian Bank. In Ex.W10 xerox copy of the letter dated 20-4-90 submitted by the Petitioner to the Chairman, Indian Bank, he requested the Management to give appointment on compassionate ground. He has not requested the bank Management to absorb him in the services of the Indian Bank in view of merger of the erstwhile Bank of Thanjavur Ltd. with Indian Bank, since he has put in so many days of services in the Bank of Thanjavur Ltd. So it is seen that the Petitioner has not made out any case for absorption into the service of Indian Bank from 20-02-90 onwards i.e. the date of merger of Bank of Thanjavur Ltd. with Indian Bank. So the question of any action taken by the Management of Indian Bank, Madras, to terminate the services of the Petitioner, the casual clerk/typist of the erstwhile Bank of Thanjavur w.e.f. 20-2-90 does not at all arise. Hence, the concerned workman is not entitled to any relief, as prayed for in the Claim Petition. Thus, the point is answered accordingly.

7. In the result, an award is passed holding that the action of the management of Indian Bank, Madras in not absorbing the Petitioner/Workman Sri J. Du rai as an employee and regularize his service from

the date of merger of Bank of Thanjavur Ltd. with Indian Bank is justified. Hence, the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For I Party/Workman :

WW1 — Shri J. Durai.

WW2 — Shri H. Venkatesa Bhat.

For II Party/Management :

MW1 — Shri P.M. Selvakumar.

DOCUMENTS MARKED :

For I Party/Workman :

Ex. No.	Date	Description
1	2	3
W1	05-11-88	Xerox copy of the letter from Sri S. R. Jayaraman to the Management.
W2	04-11-88	Xerox copy of the letter from the Petitioner to the Management.
W3		Xerox copy of the letter from the Petitioner to the Management.
W4	18-12-89	Xerox copy of the letter from the Petitioner to the Management.
W5	01-03-90	Xerox copy of the letter from the Petitioner to the Management.
W6	Nil	Xerox copy of the statement of yearwise worked Details from 1985 to 1990.
W7	Nil	Xerox copy of the statement of yearwise worked Details from 1982 to 1990.
W8	Nil	Xerox copy of the statement of yearwise worked Details from 1982 to 1984.

1	2	3
W9	Nil	Xerox copy of the statement of yearwise worked Details from 1982 to 1990.
W10	20-04-90	Xerox copy of the letter from the Petitioner to the Management.
W11	04-05-84	Xerox copy of the letter from A.G.M., Bank of Thanjavur Ltd. to Branch Manager, Nagercoil.
W12	18-05-83	Xerox copy of the letter from A.G.M., Bank of Thanjavur Ltd. to Branch Manager, Udayar-palayam.
W13	20-08-83	Xerox copy of the letter from A.G.M., Bank of Thanjavur Ltd. to Branch Manager, Lakshman-gudi.
W14	1985	Typed copy of statement showing the days worked Monthwise details.
W15	1986	Typed copy of statement showing the days worked Monthwise details.
W16	1987	Typed copy of statement showing the days worked Monthwise details.
W17	1988	Typed copy of statement showing the days worked Monthwise details.
W18	1989	Typed copy of statement showing the days worked Monthwise details.
W19	18-06-91	Xerox copy of the letter from Petitioner to Regional Labour Commissioner (Central).
W20	17-01-94	Xerox copy of the letter from Petitioner to the Chairman & Managing Director, Indian Bank, Madras.
W21	17-01-94	Xerox copy of the letter from Petitioner to the Chairman & Managing Director, Indian Bank, Madras.

W22 06-04-91 Xerox copy of the letter from the Management to the Petitioner.

For the II Party/Management :

Ex. No.	Date	Description
MI series		Original Attendance Registers of various sections/Department of Bank of Thanjavur for the years : January, 1987 to April, 1990 Planning Deptt. January, 1988 to December, 1989 — Suit Section. January, 1988 to May, 1990 — Accounts Deptt. November, 1988 to April, 1990 — Reconciliation Deptt. January, 1989 to March, 1990 — Inspection Sec. February, 1990 to April, 1990 — Advance Deptt.

नई दिल्ली, 21 सितम्बर, 2001

का.प्र. 2855:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय धूले के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/164/97-आई आर (बी-II)]
सी. गंगाधरन, अव्वर सचिव

New Delhi, the 21st September, 2001

S.O. 2855.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Dhule as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 20-09-2001.

[No. L-12012/164/97-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI K.W. THAKARE, JUDGE,
LABOUR COURT, DHULE

REFERENCE I.D.A. No. 1 OF 1998.

BETWEEN

The Divisional Officer,
UCO Bank, Divisional Office,

Opp. Sangam Press, Kothrud,
Pune.

.... Ist Party/Employer.

Vs.

Shri V.B. Hukire,
Dhule.

... IInd Party/Workman.

Coram : Shri K.W. Thakare, Judge.

Advocates : 1. Shri D.D. Patil for Ist Party.

2. Shri S.B. Patil for IInd Party.

AWARD

(DELIVERED ON 23-7-2001).

The Reference is received by this Court from the Asstt. Labour Commissioner (C), Pune. under Order No. L-12012/164/97/IR(B-II) dated 27-2-98, under clause (d), of Sub-Section (1) and Sub-Section (2-A) of Section-10 of the Industrial Disputes Act-1947 (14 of 1947), for adjudication of Schedule as under:

SCHEDULE

“Whether the action of the Management of UCO Bank in relation to its Divisional Office, Pune in non-absorption of Shri V.B. Hukire, Part-time Sweeper, Dhule Branch as full-time Sweeper is legal and justified? If not, to what relief the said workman is entitled?

2. The Second Party Workman has filed his Statement of Claim at Exh. U-3. In short, it is the case of the Second Party Workman that, the Party No. 2 workman is working as a Part-time Employee with the Dhule Branch of UCO Bank since 2nd May, 1983 on 1/3rd Basic Scale. Since 2nd May, 1983 till the date, the workman is in continuous service of the Party No. 1. As a Sweeper he works with the Party No. 1 Bank from 9.30 a.m. to 11.00 a.m. in the morning. Thereafter, from 11.00 a.m. onwards till 6.00 p.m. the IInd Party workman continuously works as a Peon in Dhule Branch of the Ist Party. For the said work, the Party No. 1 Bank pays Rs. 10/- to the workman as remuneration. The IInd Party workman opens the bank early in the morning, daily and thereafter he completes the work of his job as a sweeper. The IInd Party workman also works as a regular peon and performs duties of peon; such as; to provide necessary files, ledgers, and registers to the concerned employees of the bank, to file documents as directed, to punch vouchers, to bind the vouchers, to serve drinking water to the staff, to stamp withdrawal & pay slips, cheque books etc. To cope up

with the work of the said Branch of Party No. 1 at least 4 peons are necessary, but there are only two regularly appointed peons, one of them is 'daptaris' and other is bill-collector-cum-peon. The Bank has avoided to make regular appointments and has continued the present workman as a daily wager and thereby has intentionally deprived from the status and privileges of the permanent regular employee. There is a settlement in between the association of the Bank employees and Party No. 1 Bank in respect of employment and absorption of persons engaged on daily basis. The said settlement was entered into between Management and Workman's Union on 12th October, 1989. In the said settlement it is agreed in between Bank & Union that, persons, who have been engaged as casual workers for full day's work and who have been discharging any of the normal duties in the Bank in subordinate cadre as casual worker for a period of 240 days or more with or without break during the period of three years immediately preceding the settlement will be absorbed in the regular services of the Bank. The IInd Party Workman is a fit person to be absorbed permanently in the services of Bank according to criterion fixed for such absorption in settlement. He is in the continuous employment of the Bank in the period between 11th October, 1986 till 12 Oct., 1989, and for more than 240 days in each year, on daily wages without any break. Since last 6-7 years he is continuously requesting Bank for his absorption as a regular employee. He has submitted number of applications and paid personal visits to the higher officers as well as made all efforts through the UCO Bank Employees' Union. But despite all these efforts, Bank failed to consider his claim, and hence the second party workman has constrained to approach the Asstt. Labour Commissioner, Pune. The Asstt. Labour Commissioner tried to conciliate the matter, but as the Management of Party No. 1 Bank stick up to its stand that the workman cannot be absorbed, the Hon'ble Authority sent his Failure Report to the Central Government, and thereafter the matter has been referred to this Court. It is further submitted by the second party workman that, by keeping him on daily wages for years together and by depriving him from status of permanent employee, the Bank has indulged into Unfair Labour Practice as defined in Item 6 of Schedule IV of the M.R.T.U. & P.U.L.P. Act-1971. The Bank has absorbed Shri Samkhaji Thakare, who is junior to him. Thus the Bank has shown favouritism and indulged into vice of partiality and committed an unfair labour practice under Item 5 of Schedule IV of the M.R.T.U. & P.U.L.P. Act-1971. The Bank has failed to implement settlement dt. 12 October, 1989, and thereby indulged in unfair Labour Practice under Item 9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act 1971.

3. The Claim of the Second Party Workman is opposed and contested by the First Party Employer by filling Written Statement of Exh. C-5. It is contended that, the claims of the Party No. 2 is not tenable and this Court has no jurisdiction to entertain the sums and try this reference. As the Party No. 1 UCO Bank is a Central Government Undertaking and exclusively under the Central Government as its appropriate Govt. being a Central Government this Court has no jurisdiction and hence this reference is liable to be dismissed on this Preliminary Issue alone. The Reference also suffers on the point of limitation. After nearly 10 years, Party No. 2 has approached this Court which is beyond limitation. Hence the reference is liable to be dismissed as barred by limitation. Thus Court has no jurisdiction to entertain and try the present Reference as the matter does not come under Sec. 7 and Second Schedule of I.D. Act. It is admitted by the Ist Party that, workman is working as a part time employee on 1/3rd Basic scale since May, 1983, and there workman works from 9.30 a.m. to 11.00 a.m. The Ist Party has denied that, the workman was working as a Peon from 11 a.m to 6 a.m. regularly, continuously. It is contended that, there is an work for the extra Peon, he is sometimes, occasionally give work like to serve drinking water to staff, to file documents on his demand that he be given some work so that he can earn some more and that is on humanitarian grounds. There is no need of 4 Peon to the UCO Bank Dhule Branch. It is further contended by the Party No. 1 that, though there is settlement in between the Association of Bank Employers and Party No. 1 in 1989 there is an provision made to absorb 'Water-boy' as also it is regarding casual worker. The Party No. 2 is not a casual worker doing normal duties in subordinate cadre. He is already absorbed part-time employee (Sweeper) on 1/3rd basic scale as per rules & more. The fact and circumstances of the case of Sambhaji Thakare are totally different from Party No. 2. The Bank has not committed and unfair labour practice as defined in Item 5 of Sec. IV of the Act. There are no vacancies in the Bank, nor there is such a workload. Already there is excess staff in Bank. It is lastly prayed that, the reference filed by the Party No. 2 may be dismissed.

4. Upon hearing both the sides, the following Issues are framed by my learned predecessor vide Exh., 0-9.

ISSUES

1. Does the Party No. 1 prove that he is working as a Part time employer with the Dhule Branch of the Hind Party on 1/3 basic pay scale since 2/5/1983 and is in continuous service as a part time sweeper ?

2. Does the second party workman proves that, there is a settlement in between the Association of the Bank Employees and Party No. 1 Bank in respect of empanelment and absorption of persons engaged on daily wage basis ?

3. Does the Party No. 2 workman prove that, he is kept on daily wages for years together and thereby deprived him from the status of permanent employee and wages and other facilities available to the permanent employee and the Ist Party has indulged into unfair labour practices?

4. Does the Hind Party workman prove that, the junior worker Shri Sambhaji Thakare has been absorbed in the service and thereby shown favouritism and has indulged into vise of partiality and thereby committed an unfair labour practice ?

5. Does the Party No. 1 employer Bank proves that, the Party No. 2 workman was serving as a part time sweeper and not as badli or casual workman and hence not covered under the definition of workman?

6. Does the Party No. 2 workman is entitled the relief of direction to absorb as on permanent workman in establishment of Party No. 1 as prayed for ?

7. Whether the Reference is maintainable as per provisions of Section 10(A) of I.D. Act?

7 Whether the present dispute is dispute under Section 2 (K) or 2(a) of the I.D. Act and whether the reference is maintainable before this Court?

8. What order?

5. My findings to the above Issues are as under as per the reasons below ;—

6. FINDINGS

1. Does not survive.
2. Does not survive .
3. Does not survive.
4. Does not survive.
5. Does not survive.
6. Does not survive.
7. No.
- 7' (A) No.
8. As per Order below.

7. REASONS

ISSUES NO. 7 & 7 (A) ;—

As per Order passed below Exh. C-15, the Issues No. 7 and 7(A) are decided as 'preliminary Issues'.

8. As per Order passed on 13-10-99 by my learned predecessor, the Reference was sent back to the Asst. Labour Commissioner (C), Pune. But the Authority again sent the Reference to this Court for adjudication vide its letter No. 12012/164/94-IR (B-II) dt. 10-1-2000.

9. Heard arguments of learned counsels Shri D. D. Patil for Ist Party and Shri Shivdas Patil for IInd Party. I have carefully gone through the pleadings of the IInd Party, Written Statement of the Ist Party, and other material produced on record by both the parties.

10. Learned counsel Shri D. D. Patil appearing on behalf of Party No. 1 has filed the following citations :

(1) A.I.R. 1982 (Bombay) Page No. 253, Kranti Mohan Guruprasad Mehra Vs. Fatehchand Vasuram Behal.

"Objection to jurisdiction of Court

Issue to be tried as Preliminary Issue Determination of such issue and question relating to interim relief-Distinction in procedure."

(2) A.I.R. 1993 (Kerala) Page No. 210 M/s. Femina Handloom of India Cannonore Vs. M/s. N. R. Verma & Sons.

"Civil Procedure Code-0-14, R-2, Preliminary Issue-Territorial Jurisdiction Issue regarding should be tried as preliminary issue."

(3) A.I.R. 1973 (Rajasthan) Page 7 Dhanraj Jain Vs. Smt. Suraj Bai.

"Issue of Law, the decision of which is likely to dispose of the whole suit, may be tried first as a preliminary Issue."

(4) Gangas Manufacturing Co. B Vs. State of West Bengal 1996 (2) L.L.J. 904, (Cal)

(5) 1996 (I) L.L.J. Page 369 (on) Utkal Galvarnigens (P.) Ltd. Vs. State of Orrisa.

11. I would like to mention here the provisions and definition of Sec. 2(A) and Section 2 (k) of the Industrial Disputes Act-1947, which runs as under :

Section 2 (A) : Dismissal etc. of an individual workman to be deemed to be an industrial dispute :

"Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment, or termination shall be deemed to be an industrial dispute not with standing that no other workman nor any union of workman is a party to the dispute."

12. To come to a proper conclusion it is necessary to have observations and ratios laid down by our Lordships of various High Courts in the following decisions :

(1) Industrial dispute : A. S. Adhikari Vs. Bank of Baroda 2000 (85) F.L.R. 35 (Delhi) 2000 L.L.R. 192.

“Section-2 (k) & 10 Constitution of India, 195 Art. 226 Dispute Adjudication of—Jurisdiction—The question as to whether the workman had actually worked for 7 months and whether he was eligible for permanent appointment—Can be looked into only by Industrial Tribunal—Not High Court under A. 226 of the Constitution.”

Held : “Needless to say, these are the aspects which were to be looked into by the Industrial Tribunal with reference to the pleadings & not by this Court under A. 226 of the Constitution when C.G.I.T had not referred to these aspects or dealt with the same. In fact it shows that even the Management is aggrieved by the Award.”

(2) In Indian Cable Co. Ltd. Vs. Its Workman, 1962, (4) F.L.R. 44, 1962 (1) L.L.J. 409, (1962-63), 22, F.J.R. 262 (S.C.) :

“The dispute of a single would become an Industrial Dispute when it is sponsored by a Union or by a considerable number of a workman, for it can then be taken that it does not affect them as a class. No hard and fast rule can be laid down as to the number of workman whose association will convert an individual dispute into an industrial dispute. That must depend upon the facts of each case & the nature of dispute. The group might even be minority as held by this Court in Associated Cement Companies Ltd. Vs. Their Workman 1960 (1) L.L.J. 491 (1960-61) 18 F.L.R. 262 A.I.R. 1960 (S.C.) 777 : But it must be as such as to lead to an inference

that the dispute is one which affects workman as a class.”

13. “Individual dispute” and ‘Industrial Dispute’

It is now well-sattled that a dispute between an individual workman and an employer cannot become an ‘Industrial Dispute’ as defined in Section 2 (k) of the Act unless it is taken up by a Union of Workman. Though the dispute of a single workman would become an Industrial Dispute when it is sponsored by a Union or considerable number of a workman, no hard & fast rule can be laid down as to the number of workman whose association will convert an Industrial Dispute into an Industrial Dispute. An Industrial Dispute can be raised by a group of workman or by a Union even though neither of them represent the majority of workman concerned.

14. In Suryaprakash Rao Vs. Labour Court (A.P.) 1959 (1) L.L.J. 241, It has been observed that :

“The fact that the State Government makes a Reference does not by itself give jurisdiction to the Tribunal. The question whether there is an Industrial or Individual dispute can only be decided by the Tribunal on the evidence which the parties might wish to produce.”

15. It is also held in Mohan Rice Mills Vs. Hazaria 1952 (1) L.L.J. 565, (1956-60) 13 F.L.R. 7 that :

“In case an individual dispute was referred for adjudication to a Labour Court and the employer raised the contention that what was referred was not an ‘Industrial Dispute’

and the Labour Court, without deciding the question of its jurisdiction entered upon the adjudication and passed an Award, a writ of certiorari was issued by the High Court to quash such award followed by a consequential direction to decide the question of jurisdiction."

16. As per the letter dt. 10-1-2000, under Secretary Govt. of India returned the papers of Reference to this Court for continuing the adjudication proceeding. It is stated in that letter that, as regards the jurisdiction of Labour Court constituted by the State Government, it may be mentioned that under the 3rd proviso to Section 10 (1) of the I. D. Act, the Central Government being the appropriate Government, is competent to refer a dispute to a Labour Court constituted by the State Government. The Central Government has power to refer the matter for adjudication but the matter should be an Industrial Dispute or individual dispute i. e. Industrial Dispute under Sec. 2 (k) or individual dispute under Section 2 (A) of the I. D. Act, 1947. It is a settled position of Law that, a dispute between an individual workman and an employer cannot become an 'Industrial dispute' as defined in Section 2 (k) of the Act unless it is taken up by a Union of Workman. Though the dispute of a single workman would become an Industrial Dispute when it is sponsored by a Union or considerable number of a workman no hard & fast rule can be laid down as to number of workman whose association will convert an individual dispute into an Industrial Dispute. It is held in 1959 (1) L.L.J. (Supra) that, the fact that the State Government makes a Reference does not by itself give jurisdiction to the Tribunal. The question whether there is an Industrial or Individual dispute can only be decided by the Tribunal on the evidence which the parties might wish to produce.

17. I have already held above in the present matter that, the dispute between the workman and the first party is not an 'Industrial Dispute' as defined under Section 2 (k) nor 'Individual Dispute' as defined under Section 2(A) of the I. D. Act 1947. Hence this Court, constituted by the State Government, has no power and jurisdiction to decide the present Reference. In the light of the material on record, I am of the considered opinion that, the present Reference is not maintainable before this Court and hence I answer above Issues No. 7 & 7(A) in negative.

AS TO ISSUES NO. 1, 2, 3, 4, 5 & 6 :

As I answer Issues No. 7 and 7(A) in negative, ultimately the Reference is answered in negative. Hence there is no necessity to proceed further in the Reference. Hence the remaining Issues No. 1 to 6 do not survive. In the result, I answer Issues No. 1 to 6 accordingly and proceed to pass the following Order.

ORDER

- i. The reference is answered in negative.
- ii. Sent the Reference Proceeding to the Central Government for appropriate action.
- iii. There is no order as to costs.
- iv. The second party Workman is at liberty to approach through the Union of which he is a member.

K. W. THAKARE, Judge, Presiding Officer,

नई दिल्ली, 26 सितम्बर, 2001

का.प्र. 2856-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/198/96-आई.प्र. (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 26th September, 2001

S.O. 2856.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 25-09-2001.

[No. L-12012/198/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/169/97

Presiding Officer : Shri K. M. Rai

Shri Ashok Malviya,

Village Shyampur,

Teh. & distt. Sehore (MP).

..... Applicant

Versus

The Regional Manager,

Punjab National Bank,

Bhopal.

..... Non-applicant

AWARD

Passed on this 17th day of September, 2001

1. The Government of India, Ministry of Labour vide order No. L-12012/198-96-IR(B-II) dated 26-6-97 has referred the following dispute for adjudication by this tribunal—

"Whether the action of the management of Punjab National Bank in terminating the services of Shri Ashok Malviya vide order dated 30-3-95 is legal and justified? If not what relief the said workman is entitled?"

2. The case for the workman is that he was working as cashier incharge at the Jarkheda Branch of the Bank. He was served with a chargesheet dated 30-12-93, regarding the mis-utilisation of customers fund. He submitted reply to the chargesheet which was not accepted by the management. The Disciplinary Authority decided to hold the DE against him regarding the alleged misconduct. During the course of enquiry, notice was issued to him by the Enquiry Officer to participate in the enquiry. Due to his illness he sought adjournment which was given by the officer. The medical certificate was demanded by the Officer incharge and therefore that was submitted to him for needful consideration. The Enquiry Officer proceeded ex parte against him and held the charges proved without affording him the proper opportunity to defend his case. The copy of the documents relied on by the prosecution was not supplied to him for submitting his proper reply. Adequate opportunity was not given to him by the Enquiry Officer to defend his case properly before him. The Disciplinary Authority wrongly accepted the report of the Enquiry Officer and passed the order of dismissal from service against him. He preferred an appeal before the Appellate authority who dismissed the same without considering the facts on record. The management had imposed lesser

punishment on other employees who were held guilty for committing fraud in respect of the Bank money and they are still in service of the Bank. In this way the Bank has acted discriminately in respect to the workman regarding the award of punishment of dismissal from service on the same charges. In view of these facts, the order of dismissal deserves to be quashed. The workman is entitled to reinstatement with all back wages.

3. The case for the management is that the workman was posted as clerk/cashier incharge at Jarkheda branch of the Bank on his transfer from Itarsi. He was placed under suspension on 13-10-83 pending service of chargesheet for misappropriation of customers funds for his personal use. He was served with a chargesheet in this connection on 30-12-93. In spite of several reminders, the workman did not submit his reply to the charges served on him. The DE was conducted against him and the enquiry Officer gave him several notices to participate in the enquiry. Even after the receipt of the notice the workman did not care to appear before the Enquiry Officer to defend his case properly. The several opportunities were given to the workman by the Enquiry Officer to participate in the enquiry but he deliberately avoided to appear before him. The Enquiry Officer was therefore forced to proceed ex parte against the workman. After considering the entire material on record, the Enquiry Officer held the charges proved against the workman. The Disciplinary authority accepted the report of the Enquiry Officer and imposed the penalty of dismissal from service on him. The workman had misappropriated the customers fund for his personal use and had made interpolation in the bank record. During the course of enquiry all the relevant documents were supplied to the workman. Copy of the enquiry report was also given to him to submit his explanation. The workman preferred an appeal against the order of dismissal from service and appeared before the appellate Authority in person to submit his defence. He was heard properly and the Appellate Authority rejected his appeal and held it without any substance. The workman had misappropriated Banks funds to the tune of Rs. 22000 and therefore it was not found justified to retain him in Bank service any more. The order of dismissal from service passed by the management is perfectly legal which is not required to be interfered. No discrimination has been shown by the management in punishing the workman. The other cases were decided separately based on different facts and therefore the workman cannot get the benefit from the decision of the said cases mentioned by him. The misconduct of the workman is of serious nature and therefore he is not entitled to any relief as claimed by him.

4. The following issues arise for decision in my this case and my findings thereon are noted hereinafter :—

1. Whether the DE conducted by the management against the workman is just and proper ?
2. Whether the management is required to lead evidence to prove the alleged misconduct of the workman ?
3. Whether the punishment of dismissal from service imposed by the management against the workman is proportionate to the circumstances of the case ?
4. Whether the workman is entitled to reinstatement with back wages ?
5. Relief and costs ?

5. Issue No. 1 and 2 :

It has been held by this tribunal on 3-3-99 that the DE conducted against the workman by the management is just and proper. In view of this finding the management is not required to lead any further evidence to prove the alleged misconduct of the workman. Both these issues are answered accordingly.

6. Issue No. 3 and 4 :

The workman was chargesheeted for receiving Rs. 7000 from Shri Santosh Kumar Maheshwari on 29-6-93 for crediting the same in his TL Account. But it was not credited on the said date. The workman deposited the said amount in the TL Account of Santosh Kumar Maheshwari on 10-7-93. In this connection, Shri Santosh Kumar Maheshwari has clearly stated before this court that he had deposited Rs. 7000 in his TL Account on 10-7-93 and not on 29-6-93. He had clearly

stated that he never paid Rs. 7000 to the workman to deposit the same on 29-6-93. In this way this statement of account holder Santosh Kumar Maheshwar goes to prove that he had never given Rs. 7000 to the workman on 29-6-93 to credit the same in his TL Account. In view of this very statement, the charge on this point remains not proved. Another saving Bank Account holder Imrat Singh has also stated before this court that on 28-5-93, the workman met him on the way while going to the bank. The workman asked him to pay Rs. 5000 as a loan to meet his urgent need as he was in some financial difficulties. He therefore gave Rs. 5000 to the workman as a loan and never deposited this amount in his saving account on 28-5-93. Subsequently the workman deposited Rs. 5000 in his account as per his promise. He had clearly told the workman that he may deposit the amount whenever he may be able to do so. This statement of Imrat Singh also does not prove the charge on this point.

7. As far as another charge is concerned, it is clear that on verification, the cash amounting to Rs. 10,000 was found in the drawer of the workman in the Bank. This amount was never removed by the workman for his own use. This act shows the negligence of the workman in his duty and not his dishonesty. The workman should have been very careful about the cash lying in his drawer. For this negligent act, the punishment of dismissal from service appears to be too harsh. A lesser punishment for this negligent act shall meet the ends of justice.

8. In view of the above said facts, it is held that the workman shall be entitled to reinstatement without back wages on initial pay of the clerk. Issues No. 3 and 4 are answered accordingly.

9. Issue No. 5 :

In view of my findings given on issue No. 3 and 4, it is held that the workman shall be reinstated without back wages on initial pay of the clerk within a period of 4 months from the date of award. Parties shall bear their own cost.

10. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 26 सितम्बर, 2001

का.आ.2857.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के स्वयं नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण/अथ न्यायालय सेवर्न के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-2001 को प्राप्त हुआ था ।

[सं. एल-12012/398/94-आई.आर. (बी-II)]

सी. गंगाधरण, अवसर सचिव

New Delhi, the 26th September, 2001

S.O. 2857.—In pursuance of Section 17 of the Industrial Dispute Act 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 25-09-2001.

[No. L-12012/398/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 24th August, 2001

PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 387/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 22/95)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Smt. B. Meeramma and the Management of Allahabad Bank, Madras.)

BETWEEN

The General Secretary, I Party/Claimant
Allahabad Bank Staff Union,
Madras.

AND

The Regional Manager, II Party/Management
Allahabad Bank,
Madras.

APPEARANCE :

For the Claimant .. M/s. K. Elango and G. Chamki Raj,
Advocates

For the Management .. M/s. G. Venkataraman, and C.
Ravichandran, Advocates

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-12012/398/94-IR(B-II) dated 30-05-1995.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 22/95. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 387/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 19-02-2001. On receipt of notice from this Tribunal, the counsel on either side were present with their respective parties and prosecuted this case further.

When the matter came up before me for final hearing on 08-06-2001, upon perusing the Claim Statement, Counter Statement, other material papers on record, upon perusing the oral and documentary evidence let in on either side and upon perusing the written arguments filed by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

"Whether Smt. B. Meeramma was employed with the management of Allahabad Bank, Madras as part-time Sweeperess/Peon-cum-Farash? If so, whether the demand of Allahabad Bank Staff Union Madras on the Management of Allahabad Bank, Madras for regularization of the services of Smt. B. Meeramma is legal and justified? If so, what relief is Smt. Meeramma entitled to?"

2. The averments in the Claim Statement filed by the I Party/Workman are briefly as follows :—

The General Secretary of Allahabad Bank Staff Union, Madras (hereinafter referred to as Petitioner) has raised this industrial dispute expounding the cause of Smt. Meeramma alleging in the Claim Statement that the concerned worker was working as a temporary sweeper and peon-cum-farash at the George Town Branch of the Respondent Bank from 1987 to 1993 and was engaged in the Service Branch of the Res-

pondent from 18-8-1994 to 17-10-1994. She was drawing a salary of Rs. 30 per day at the time of illegal termination of her employment. The concerned worker was employed as a temporary labour. Her employment was not shown in the staff register maintained in the bank. The payments were made to her indirectly through voucher prepared in the name of other permanent staff working in that branch. The concerned worker has put in more than 240 days of continuous service in a calendar year and her services were not regularised. The management through its circular No. 3220/1 dated 8-2-1993 expressed its intention to draw state-wise panels to fill up the vacancies against the post of full time peon cum farash/full time sweeper from amongst the persons who worked on temporary full time basis for a minimum period of 90 days at any of the branches during the period from 1-1-1982 to 31-10-1992 and called for applications from eligible candidates. In the above said circular, eligibility criteria such as educational qualification and age limit were given and the worker has got all the qualifications to apply for the post of full time peon cum farash. The application of the worker has to be certified by the Branch Manager and has to be sent to Zonal Office at Bombay. The Branch Manager refused to forward the worker's application. Hence, the Members of the staff working in George Town Branch and a few other staff working in other branches who daily make official visits to the service branch situated in George Town Branch premises jointly certified that the worker was employed at George Town Branch from 1987 and that she was not allowed to sign in bank's attendance register and that she was receiving her payment on daily basis through the voucher prepared in the name of the permanent employees of that branch. The worker concerned forwarded her application with the certificate given by the members of the staff to the Deputy General Manager, Allahabad Bank, Western Zonal Office and to the General Manager (P&A) Allahabad Bank, HO Calcutta. The concerned worker did not receive any reply from either of the offices. The worker's application was not considered and she was not called to attend the examination conducted by the Regional Office, Madras. Though this examination was conducted and selection processes are completed, her appointment was kept in abeyance. The Petitioner Union states that since the service of the concerned worker was not regularised, it raised an industrial dispute under section 2A of the Industrial Disputes Act, before the Regional Labour Commissioner (Central) Madras on 15-10-1994. As no conciliation was arrived at, the concerned authority submitted the report on failure of conciliation to the Government of India. The Government of India, Ministry of Labour in turn referred this matter as an industrial dispute for adjudication by this Tribunal. The act of the Management in not regularizing the services of the concerned worker Smt. B. Meeramma is illegal arbitrary and opposed to principles of natural justice. Though the Respondent/Management has regularized the services of the casual labourers, who have worked for 90 days during the period from 1-1-1982 to 3-10-1992, it has failed to regularize the services of Smt. B. Meeramma. The management instead of considering the application of the worker have stated in utter falsehood that they have not received the application from the worker. The Management has orally terminated the services of the worker two days after the union raised the industrial dispute on her behalf before the Regional Labour Commissioner (Central), Madras. The act of the Management is totally arbitrary and unjustified. Therefore, this Tribunal may be pleased to pass an award holding that Smt. B. Meeramma was a workman of Allahabad Bank and directing the management to regularize the services of the worker.

3. The averments in the Counter Statement of the II Party/Allahabad Bank are briefly as follows :—

The II Party/Bank Management (hereinafter referred to as Respondent) states that the Petitioner union which has purported to raise this dispute is a minority union and does not command substantial section of workmen of the bank and consequently it lack representative capacity and any demand raised by it cannot properly be an industrial dispute as defined in the Industrial Disputes Act, 1947. The Petitioner Union has no valid right to espouse the grievance of Smt. B. Meeramma in terms of and in tune with the byelaws of Petitioner union. The Respondent/Bank in terms of Circular dated 8-2-1993 issued an advertisement in local dailies, accordingly, the Respondent had received number of applications from the persons who have claimed to have worked on temporary basis and the eligible candidates were permitted to attend the written test held on

25-10-1993 and those who had qualified were interviewed on 22-11-1993. In terms of the said circular, the eligible applicants should forward their application through the branch where they had worked more than 90 days of the Respondent/Bank for consideration on or before 5-4-1993. The Respondent did not receive any application from Smt. B. Meeramma. The Zonal Office, Bombay received her application only on 20-4-1993 beyond the time limit specified regarding the submission of application. Her application was not forwarded through the branch, where she has alleged to have worked. As per the available records, Smt. B. Meeramma has never been engaged by the Respondent/Bank. So her application was not considered. There was no need for the Respondent to engage her services at its George Town branch or Service branch. So, there is no question of regularizing her services. Smt. B. Meeramma has availed a loan of Rs. 3,000 under self-employment for urban poor from George Town Branch of the Respondent/Bank. She had given her name in the loan application form as K. Meri. She has also mentioned in the loan application, her address as No. 15, Kalyani Chetty Street (Near Ellamman Kovil Street) Thiruvotiyur, Madras-19, whereas she had given her name and address in the application for the above recruitment purpose as Smt. B. Meeramma residing at No. 7, 4th Street, Anjaneya Nagar, Royapuram, Madras-13. The Respondent understands that Smt. B. Meeramma is now doing textile/cloth business at Madras. On enquiry, the Respondent was given to understand that Smt. B. Meeramma used to visit George Town Branch of the Respondent/Bank very frequently in connection with the above loan purpose. The said Smt. B. Meeramma was never engaged by the Respondent/Bank and she was not made payments indirectly through vouchers in the name of permanent staff of the bank. She had not put in more than 240 days of continuous service in a calendar year as alleged by the Petitioner. So regularization of her service does not arise at all. She had not qualified and eligible for the post of Peon-cum-Farash. Her application was not considered since the same was directly submitted without complying the formalities. She was not called to attend the written examination conducted by the Respondent/Bank. Further, the service certificate given by certain members of the staff is an unauthorised one. No reliance can be placed upon such certificate. It is not true that the Respondent has orally terminated the services of Smt. B. Meeramma two days after the Union raised the industrial dispute before the Regional Labour Commissioner, Madras. The Petitioner cannot claim the relief of regularization of service of Smt. B. Meeramma in admittedly the post of Peon-cum-Farash is a selection post. Hence, the claim of the Petitioner Union may be dismissed.

4. When the matter was pending before the Tamil Nadu State Industrial Tribunal and came up for enquiry, the concerned worker Smt. B. Meeramma was examined as WW1 and two others were examined as WW2 and WW3 on the side of the Petitioner. One witness Mr. Padmanabhan was examined as MW1 and exhibits W1 to W15 and M1 to M16 were marked. At this stage the case was transferred to the file of this Court.

5. When the matter came up before this Tribunal for enquiry, MW1 was recalled and cross examined. Another witness for the Management was examined as MW2. No further evidence oral or documentary was let in on either side. The arguments of the learned counsel on either side were heard.

6. The Point for my consideration is—

"Whether Smt. B. Meeramma was employed with the management of Allahabad Bank Madras as part-time Sweeper/Peon-cum-Farash? If so, whether the demand of Allahabad Bank Staff Union, Madras on the Management of Allahabad Bank, Madras for regularization of the services of Smt. B. Meeramma is legal and justified? If so, what relief is Smt. Meeramma entitled to?"

Point :—

Though it is alleged in the Claim Statement that the concerned workman is a member of the Petitioner Union, when it is disputed by the Respondent in their Counter, no acceptable evidence has been placed before this Court in support of the Petitioner's averment in the Claim Statement. Further, a specific stand has been taken in the Counter of the Respondent that the Petitioner Union is a minority union and does not command substantial section of the workmen

of the bank and consequently it lacks representative capacity and any demand raised by it cannot properly be an industrial dispute as per the Act. Nothing has been stated disputing this stand by way of any reply statement or rejoinder to the Counter by the Petitioner Union. No substantial evidence has also let in, in this case to disprove that contention of the Respondent Bank about the validity of the Union to raise this industrial dispute. The union has not established that Smt. B. Meeramma is its member by filing any document to that effect. No resolution of the Union concerned to raise the dispute relating to regularization of the service of said Smt. B. Meeramma has been filed as a document. Under such circumstances, the objection raised by the Respondent Bank in respect of the authority of the Petitioner Union to raise this industrial dispute espousing the cause of Smt. B. Meeramma is sustainable.

7. Though it is contended by the Petitioner Union that the concerned worker Smt. B. Meeramma was working as temporary sweeper and peon cum Farrash at the George Town Branch of the Respondent Bank from 1987 to 1993 and subsequently of the service branch of the Respondent Bank from 18-8-1994 to 17-10-1994 the petitioner has admitted that the employment was not shown in the staff register maintained in the bank and the payments were made to her indirectly through voucher prepared in the name of other permanent staff working in that branch. Further, no documentary evidence has been filed in this case to prove that the concerned worker Smt. B. Meeramma never worked in any of the branches of the Respondent Bank in the alleged period. In the cross examination, WW1 Smt. B. Meeramma has admitted that she has not signed the attendance register in the bank and she has not filed any salary receipt or any other document to show that she was ever employed by the bank branch. She has also admitted in the cross examination that while submitting her application, in pursuance of circular issued by the Respondent Bank for recruitment of staff for future employment, the Branch Manager Mr. Satyanarayana refused to give the service certificate WW2 has also stated that Smt. B. Meeramma was not paid salary by the bank directly and a permanent employee of the bank used to get the salary through voucher and paid to Smt. B. Meeramma. Except the oral evidence of WW1 to WW2 no other substantial documentary evidence has been filed into Court to prove the averment of the Petitioner that she was working as a temporary sweeper and peon cum farrash from 1987 to 1993 at George Town Branch and from 18-8-1994 to 17-10-1994 at the Service Branch of the Respondent Bank.

8. If really the concerned worker Smt. B. Meeramma was engaged by the Respondent Bank branches there will be documents to that effect by the bank in those branches. It is the definite contention of the Respondent that during the relevant periods there was no need for the Respondent Bank to engage any casual peon cum farrash at those branches of the bank and they had already sufficient staff members. The Manager of George Town Branch as a reply to Regional Manager letter under Ex. M8 has stated under Ex. M9 dated 20-10-1994 that Smt. B. Meeramma had never been engaged by the said branch. The Manager of the Service Branch also under Ex. M10 had stated that Smt. B. Meeramma had never been engaged by the said branch. For the letter dated 22-11-1994 under Ex. M4 sent by Regional Manager to the Manager, George Town Branch by his letter dated 28-11-94 under Ex. M14 had reaffirmed that the said Smt. B. Meeramma had never been engaged in the said branch. Like that for the letter under Ex. M12 of the Regional Manager the Manager of Service Branch under Ex. M13 has informed that Smt. B. Meeramma had never been engaged in that branch. Against this the Petitioner Union has not taken any steps to establish its stand that the concerned worker Smt. B. Meeramma was ever worked in those branches at the alleged period. WW2 has given evidence that Ex. W2 was given by the staff of the bank in support of the said Smt. B. Meeramma to show that she worked in the Respondent Bank branches. The signatories of Ex. W2 have not authorised to issue one such certificate for employment. Though it is mentioned in the Claim Statement that the said worker was employed for two months in Service Branch, she has deposed that she worked for two years in the Service Branch. An attempt has been made by producing Ex. W15 to prove Smt. B. Meeramma had worked in the bank branch. Ex. W15 is the original of xerox copy of Ex. W2. From the evidence of WW2, it is seen that Ex. W15 is a created document just to help the worker Smt. B. Meeramma. So no reliance can be made on that document. It is also seen 3182 GI/2001-16

from the evidence that the concerned worker has not routed her application as required in the Circular through the Branch Manager with the certificate evidencing engagement of Smt. B. Meeramma during the period 1-1-1982 to 31-10-1992. Further the application was received by Zonal Office directly from Smt. B. Meeramma only on 20-4-1993 belatedly and the last date was fixed for receipt of application on or before 5-4-1993. So her application was not considered by the Respondent Bank and she has not attended any written test and had not attended any interview subsequently. It is not disputed that only the eligible temporary-employees engaged between 1-1-1982 to 31-10-1992 who got through in the written examination and also interview conducted by the bank were considered for empanelling for absorption against future vacancies for sub staff in the Respondent Bank. From the available evidence, it is seen that the Petitioner has failed to establish that the said worker Smt. B. Meeramma was ever worked in the bank branches especially during the alleged period. The alleged violation of Section 25F of the Industrial Disputes Act does not arise, as Smt. B. Meeramma was not proved to be in the employment of Allahabad Bank. Hence, under such circumstances, it can be easily concluded that the Petitioner Union has miserably failed to prove that the concerned worker Smt. B. Meeramma worked as a temporary sweeper and peon cum farrash at the George Town Branch as well as the Service Branch of the Respondent Bank and she was illegally terminated from service by the Respondent. So, it can be held that Smt. B. Meeramma was not a workman of Allahabad Bank and the question of her regularisation of her service by the Respondent Management does not at all arise. So, the Petitioner Union cannot get the relief prayed for to the worker Smt. B. Meeramma. Thus, the point is answered accordingly.

9. In the result, an award is passed holding that the demand of Allahabad Bank Staff Union, Madras for regularization of services of workman Smt. B. Meeramma by the management of Allahabad Bank, Madras is not legal and justified. Hence, the concerned workman Smt. B. Meeramma is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For I Party/Claimant :

WW1 Smt. B. Meeramma

WW2 Shri G. Narayanan

WW3 Shri D. Mu'hu

For II Party/Management :

MW1 Shri G. Padmanabhan

MW2 Shri M. Venkatachalam

DOCUMENTS MARKED :

For I Party/Workman :

Ex. No. Date Description.

W1 20-3-93 Xerox copy of the application form of Smt. B. Meeramma.

W2 5-4-93 Xerox copy of the joint certificate given to the worker by staff of Respondent.

W3 1-10-94 Xerox copy of the letter from Smt. B. Meeramma to the Allahabad Bank Staff Union.

W4 15-10-94 Xerox copy of the letter from Petitioner Union to Regional Labour Commissioner (Central).

W5 19-10-94 Xerox copy of the letter of Smt. B. Meeramma to Allahabad Bank Staff Union.

W6 31-10-94 Xerox copy of the letter of Management to Assistant Labour Commissioner (Central).

W7 9-11-94 Xerox copy of the letter of Respondent Bank to Assistant Labour Commissioner (Central).

W8 14-11-94 Xerox copy of the letter of Petitioner Union to Assistant Labour Commissioner (Central).

W9 1-12-94 Xerox copy of the letter of Management to Assistant Labour Commissioner (Central).

W10 10-12-94 Xerox copy of the letter of Petitioner Union to Assistant Labour Commissioner (Central).

W11 14-12-94 Xerox copy of failure of conciliation report.

W12 Nil Xerox copy of the school transfer certificate issued to the worker.

W13 27-11-91 Xerox copy of the identity card issued by the Employment Exchange to the Worker.

W14 23-3-93 Xerox copy of the community certificate of Smt. B. Meeramma.

W15 5-4-93 Xerox copy of the joint certificate given by the Staff of Respondent to the worker.

For the II Party/Management :

Ex. No. Date Description

M1 Nil Xerox copy of loan application for self-Employment for self.

M2 13-1-92 Xerox copy of loan sanctioning letter

M3 series — Xerox copy of loan agreement, bill voucher, security, declaration regarding the said loan.

M4 8-2-93 Xerox copy of instruction circular No. 3220/I.

M5 6-3-83 Xerox copy of the publication of advertisement by the Management.

M6 20-4-94 Xerox copy of the application form of Smt. B. Meeramma.

M7 15-10-94 Xerox copy of letter of the Petitioner to the Regional Labour Commissioner (Central).

M8 27-10-94 Xerox copy of letter from Regional Office to George Town Branch.

M9 28-10-94 Xerox copy of letter of G.T. Branch to Regional Office.

M10 28-10-94 Xerox copy of letter from Service Branch Manager to the Regional Office Manager.

M11 22-11-94 Xerox copy of the letter from Regional Office to the G.T. Branch.

M12 22-11-94 Xerox copy of letter from Regional Office to Service Branch.

M13 28-11-94 Xerox copy of letter from Service Branch to Regional Office.

M14 28-11-94 Xerox copy of letter from G.T. Branch to Regional Office.

M15 29-11-94 Xerox copy of the letter from G.T. Branch to the Regional Office.

M16 21-5-99 Xerox copy of letter from the G.T. Branch to Regional Office.

नई दिल्ली, 26 सितम्बर, 2001

का.प्र. 2858:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-09-01 को प्राप्त हुआ था।

[मं. एन-12012/399/94-आई.प्र. (बी-II)]

सी. संग्रहण, अपर सचिव

New Delhi the 26th September, 2001

S.O. 2858.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 25-09-2001.

[No. L-12012/399/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 24th August, 2001

AND

PRESENT :

K. Karthikeyan, Presiding Officer

Industrial Dispute No. 386/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 20/95)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri C. N. Dasharathan and the Management of Allahabad Bank, Madras.)

BETWEEN

The General Secretary, I Party/Claimant
Allahabad Bank Staff Union,
Madras.

AND

The Regional Manager, II Party/Management
Allahabad Bank,
Madras.

APPEARANCE :

For the Claimant—M/s. K. Flango & G. Chamki Rai,
Advocates

For the Management—M/s. G. Venkataraman & C.
Ravichandran, Advocates

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) have referred the concerned Industrial Dispute for adjudication vide Order No. L-12012/399/94-IR(B-II) dated 12-05-1995.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 20/95. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal the case has been taken on file as I.D. No. 386/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 19-02-2001. On receipt of notice from this Tribunal, the counsel on either side were present with their respective parties and prosecuted this case further.

When the matter was pending before the Tamil Nadu State Industrial Tribunal and came up for enquiry, two witnesses on the side of the workmen were examined and Ex. W1 to W11 were marked. On the side of the Management, the documents were marked as Ex. M1 to M14. At this juncture, the case has been transferred to this Tribunal and was taken on file.

When the matter came up for enquiry here in this Tribunal the Management witness has already filed proof of affidavit in respect of this case was examined as MW1 in full. After the counsel on either side represented that they have no more evidence to let in they have filed their respective written arguments.

When the matter came up before me for final hearing on 08-06-2001 upon perusing the Claim Statement, Counter Statement, other material papers on record, upon perusing the

oral and documentary evidence let in on either side and upon perusing the written arguments filed by the learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

"Whether Shri C. N. Dasharathan, casual workman, was a 'workman' of Allahabad Bank, Jawahar Nagar Branch, Madras? If so, whether the demand of Allahabad Bank Staff Union, Madras on the Management of Allahabad Bank, Madras for regularization of his services is justified? If so, what relief is the said workman entitled to?"

2. The averments in the Claim Statement filed by the I Party/Claimant are briefly as follows :—

The I Party/Allahabad Bank Staff Union represented by its General Secretary espousing the cause of workman Sri C. N. Dasharathan has raised this industrial dispute. The Party/Allahabad Bank Staff Union (hereinafter referred to as Petitioner) alleged in the Claim Statement that the concerned employee was employed as full time Peon-cum-Farrash under the II Party/Allahabad Bank, Madras (hereinafter referred to as Respondent). The employment of the concerned workman was not shown in the staff register maintained in the bank. The payments were made to him indirectly through vouchers prepared in the name of other permanent staff working in that branch. Though the worker has put in three years of continuous service and 240 days of continuous service in each of the calendar years, his service has not been regularized. The Respondent/Management called for applications for recruitment of full time Peon-cum-Farrash/ full time Sweeper amongst the persons engaged on full time temporary basis for a minimum period of 90 days at any of the branches during the period from 1-1-82 to 31-10-92. The eligibility criteria such as educational qualification and age limit were given in the application and the concerned workman has got all the qualifications to apply for the post of full time Peon-cum-Farrash. The application of the worker has to be certified by the Branch Manager and has to be sent to the Zonal Office at Bombay. The then Branch Manager of Jawahar Nagar Branch of the Respondent/Bank refused to forward the concerned worker's application, since the branch manager was not working at Jawahar Nagar Branch during the period of employment of the worker at that branch. Hence, the members of the staff working in Jawahar Nagar branch jointly certified that the worker was employed for more than 240 days in each year from 1989 to March, 1992. The concerned worker forwarded his application along with the certificate given by the members of the staff to the Regional Manager, Allahabad Bank, Madras, Deputy General Manager, Allahabad Bank, Western Zonal Office, Bombay and to the General Manager (P & A) Allahabad Bank, H.O. Calcutta. The concerned worker did not receive any reply from neither of the officers. His application was not considered and he was not called to attend the examination conducted by the Regional Office, Madras. After the concerned worker was employed in Jawahar Nagar Branch of the bank, he was employed in V.P. Colony Branch from May, 1993 to August, 1993. He was drawing a salary of Rs. 20 per day at the time of the illegal termination of employment. He was working as a casual labourer. Though the examination was conducted by the Respondent/Management and selection process were completed, the appointment is kept in abeyance. Since the services of the concerned workman was not regularized, the petitioner Union raised an industrial dispute under section 2(k) of the Industrial Disputes Act before the Regional Labour Commissioner (Central) on 20-9-1994. Before the Regional Labour Commissioner (Central), the Respondent/Management contended that they have not received any application from the concerned worker and the concerned worker has never been engaged in the Jawahar Nagar Branch. Since the effort taken by the conciliating authority ended in a failure, he sent a failure of conciliation report to the Govt. of India. The Govt. of India in turn had referred this dispute for adjudication by the Tribunal. The Management has orally terminated the services of the concerned workman. It is totally arbitrary and unjustified. Hence, the Tribunal may be pleased to pass an award holding that the concerned workman Sri C.N. Dasharathan was a workman of the Respondent/Allahabad Bank and directing its management to regularize the services of the concerned workman.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :—

The Petitioner Union is a minority union and does not command substantial section of the workmen of the bank and consequently, it lacks representative capacity and any demand raised by it cannot properly be an industrial dispute as per the Industrial Disputes Act, 1947. In terms of a Circular dated 8-2-1993, Respondent/Bank issued advertisement in local dailies calling for application from the persons who worked on temporary/full time basis for a period of ninety days in any of the branches/offices of Allahabad Bank/United Industrial Bank Ltd. during the period 1-1-82 to 31-10-92 and/or were engaged prior to 1-1-82 and continued thereafter with an intention to draw state-wise panel to fill up future vacancies against the post of Full time Peon-cum-Farrash/Full time Sweeper, subject to their suitability and fulfilment of the other conditions specified in this regard. Accordingly, the Respondent has received number of applications from the persons who have claimed to have worked and the eligible candidates were permitted to attend the written test held on 25-10-1993 and those who had qualified were interviewed on 22-11-1993. In terms of the above circular, the eligible applicants should forward their applications through the branch, where they had worked for more than 90 days to the Bombay Zonal Office of the Respondent/Bank for their consideration on or before 5-4-93 along with requisite certificates. The Respondent/Management did not receive any application from the concerned workman Sri C. N. Dasharathan through the branch, where he has alleged to have worked. On enquiry, it is observed that the concerned workman had submitted his application directly to the Zonal Office, Bombay, which was received only on 21-5-1993 by that office beyond the time limit specified regarding submission of application. Further his application was not forwarded through the branch where he has alleged to have worked along with the requisite certificate, as per the available records, Sri C.N. Dasharathan has never been engaged by the Respondent/Bank. In view of these reasons, his application was not considered. There was no need for the Respondent to engage the services of the concerned workman at its Jawahar Nagar Branch, since that branch was provided with one peon-cum-daftry, one peon-cum-bill collector and one part-time sweeper during the relevant period from March, 1989 to March 1992. Therefore, the claim of the Petitioner Union that Sri C. N. Dasharathan was engaged by Jawahar Nagar Branch of the Respondent is not correct and as such the said workman cannot be any claim against the Respondent consequently, there is no question of regularizing his services. The said workman was not eligible for applying to the post of full-time peon-cum-farrash in terms of the circular. It is incorrect to allege that the then branch manager refused to forward Mr. C. N. Dasharathan's application and the members of the staff working in Jawahar Nagar Branch jointly certified that Mr. C.N. Dasharathan was the employee for more than 240 days in each year from March, 1989 to March 1992. Absorption for temporary staff as regular employee is not automatic. It is based on written test and oral interview, which the candidate seeking absorption on regular basis should pass. The Petitioner does not deserve the grant of relief sought for. Hence, the Tribunal may be pleased to dismiss the claim of the Petitioner.

4. When the matter was pending before the Tamil Nadu State Industrial Tribunal and came up for enquiry, the concerned workman Mr. C.N. Dasharathan was examined as WW1 and another witness as WW2 and documents were marked as Ex. W1 to W11 and M1 to M14. On the side of the management, proof of affidavit of one Mr. Pndmanabhan was marked. At this stage, this case was transferred to the file of this Court.

5. When the matter came up before this Tribunal for enquiry, the person who filed the proof of affidavit on behalf of the Management was examined as MW1 in full. After, it was represented by the counsel on either side that they have no more evidence to let in, the learned counsel on either side had filed their written arguments.

6. The point for my consideration is—

"Whether Shri C.N. Dasharathan, casual workman, was a 'workman' of Allahabad Bank, Jawahar Nagar Branch, Madras? If so, whether the demand of Allahabad Bank Staff Union, Madras on the Management of Allahabad Bank, Madras for regularization of his services is justified? If so, what relief is the said workman entitled to?"

Point :—

It is the case of the Petitioner Union that the concerned workman Sri C. N. Dasharathan was working as a Peon cum Farrash at Jawahar Nagar Branch of the Respondent Bank from March, 1989 to March 1992 and subsequently, he was employed in the V.P. Colony branch of the Respondent Bank from 1993 to August, 1993. It is also the version of the Petitioner Union in the Claim Statement that the concerned workman was illegally terminated from service and at the time of such termination of employment, he was drawing the salary of Rs. 20 per day. The Respondent Bank in their Counter has clearly disputed this averment in the Claim Statement stating that the concerned workman has never been engaged by the Respondent Bank and they denied the allegation about the alleged employment of the concerned workman by the two branches of the Respondent Bank for the period mentioned in the Claim Statement and also about the drawing of salary as Rs. 20 per day. Against this denial made by the Respondent Bank in their Counter Statement, the Petitioner Union has not filed any rejoinder or reply statement. The concerned workman Sri C. N. Dasharathan while giving evidence as WW1 has admitted that there was no attendance register for him while he was employed by the Respondent Bank branches and he was paid his salary through the voucher signed by permanent staff of the bank. In Para 2 of the Claim Statement itself, the Petitioner has stated that the concerned worker was employed as casual labour and he was not shown in the staff register maintained in the bank and the payments were made to him indirectly through vouchers prepared in the name of other staff working in that branch. In the cross examination, WW1 has admitted that he has not filed any document in the Court in proof of his employment by the Respondent Bank branches as mentioned in the Claim Statement. It is also his admission in the cross examination that one has to succeed in the written test as well as the interview conducted by the bank Management for getting employed in the Respondent Bank. WW2 Shri Rajkumar had deposed that when he was working in the Jawahar Nagar Branch of the Bank, the concerned workman Sri C. N. Dasharathan was working in the branch as sub staff from 1989 to 1992. He has admitted in the cross examination that the name of Sri C. N. Dasharathan was not in the attendance register for the staff of the bank and he does not know whether any salary was paid to him or not. WW1 has stated in his proof of affidavit that for the letter dated 15-10-94 sent by the Regional Manager of the Respondent Bank seeking remarks from the Manager of Jawahar Nagar Branch with regard to the alleged employment of said Sri C. N. Dasharathan in the said bank under Ex. M6, Jawahar Nagar Branch Manager sent a reply dated 19-4-1994 under Ex. M7 that the said C. N. Dasharathan has never been engaged by the said branch. In the cross examination also, he has stated that the Respondent Bank day roll employed temporary Peon-cum-Farrash. From this it is seen that except the averment in the Claim Statement on the oral evidence of WW1 and WW2 there is no documentary evidence to show that the concerned workman Sri C. N. Dasharathan was employed by the Respondent Bank branches as contended by them.

7. It is admitted that the Respondent Bank by their Circular dated 8-2-1993 Ex. M1 and also by advertisement in local dailies called for applications to draw statewide panels to fill up future vacancies against the post of Full Time Peon Cum Farrash, Full time Sweeper from amongst the persons who worked as temporary/full time basis for a period of 90 day in any of the branches/offices of Allahabad Bank or United Industrial Bank Ltd. during the period 1-1-1982 to 31-10-1992 and/or were engaged prior to 1-1-1982 and continued thereafter. It is the contention of the Respondent Bank in the Counter Statement that in response to the Circular and advertisement in news dailies, they have received number of applications from the persons who have claimed to have worked on temporary basis and the eligible candidates were permitted to attend the written test held on 25-10-1993 and those who in fact qualified were interviewed on 22-11-1993. It is not disputed that the eligible applicants should forward their applications through the branch, where they have worked for more than 90 days to the Bombay Zonal Office of the Respondent Bank for the consideration on or before 5-4-1993 along with requisite certificates. It is admitted in the Counter Statement that Sri C. N. Dasharathan had submitted his application directly to the Zonal Office of the Respondent Bank Bombay and the same was received only on 21-5-1993 and it was not forwarded to the branch where he was alleged

to have worked along with the requisite certificate. In the Claim Statement para 6 the Petitioner has admitted that the application of the worker has to be certified by the Branch Manager and has to be sent to the Zonal Office at Bombay and that the then Branch Manager refused to forward the worker's application and hence the members of the staff working in Jawahar Nagar Branch jointly certified that the worker was employed for more than 240 days in each year from March, 1989 to March, 1992 and the worker forwarded his application with that certificate given by the members of the staff to the Regional Manager, Allahabad Bank, Madras and the Deputy General Manager, Allahabad Bank, Western Zonal Office, Bombay and to the General Manager, Allahabad Bank, HO, Calcutta. From this admission of the Petitioner in the Claim Statement, it is seen that the concerned workman's application has not been sent to the Zonal Office at Bombay. The Respondent Regional Manager, Allahabad Bank Regional Office, Madras has stated in the Counter that only on 21-5-93 beyond the time limit specified regarding submission of application. Respondent has received the application of the concerned workman and that application was not forwarded through the branch where he has alleged to have worked WW1 and WW2 have admitted in their evidence as it is pleaded in the Claim Statement that the members of the staff working in Jawahar Nagar Branch jointly certified that the concerned worker was employed at Jawahar Nagar branch from March, 1989 to March, 1992 and forwarded his application along with that certificate given by the Members of the staff. It is further alleged in the Claim Statement that the worker's application was not considered and he was not called to attend the examination conducted by the Regional Office. Ex. W2 series are the xerox copies of the concerned workman's application with annexures. Ex. W3 is the xerox copy of the postal acknowledgement wherein the dates of receipt as different dates in the month of May 1993. This shows that the application was not submitted by the concerned workman Sri C. N. Dasharathan before the last day of submitting application i.e. by 5-4-1993. Further the said application was not submitted through the Branch Manager of Jawahar Nagar Branch at Allahabad Bank as required in the circular Ex. M1. In the xerox copy of the letter said to have been sent by the staff of Jawahar Nagar Branch as an enclosure to the application for the concerned workman seven people have signed. One of the signatories to that letter Sri S. Rajkumar has been examined as WW2. It is his evidence that the Branch Manager had informed that the said C. N. Dasharathan is not qualified for the sub staff recruitment at that time and hence, they gave that Ex. W3 letter for the concerned workman. He has also admitted in his evidence only the Branch Manager can forward the application form of the workman, who employed more than 90 days. The said letter given by those staff of the bank does not contain the date. WW2 has also admitted in the cross examination, none of the signatories to that letter has put the date in it. From all these things, it is seen that no document is available to show that the concerned workman Sri C. N. Dasharathan was ever worked in the Jawahar Nagar branch as claimed by him. On the other hand, the letters of the Branch Manager Ex. M7 and M11 clearly shows that the said workman was never engaged in Jawahar Nagar Branch. The Petitioner Union has not taken any steps to establish his case by any believable evidence. Further there is no evidence to show that the concerned workman worked for more than 240 days except his own version. Ex. W3 letter said to have been given by the staff of Jawahar Nagar Branch in favour of the concerned workman also cannot be relied upon as a true and authenticated document. WW2 has admitted that his Union leaders asked him to sign Ex. W3 and so he signed it. Therefore, no value can be attached to Ex. W3. Further it is evident that the application of the concerned workman was received by the Respondent Management as it is evidenced from the xerox copy of the postal acknowledgement only in the month of May, long subsequent to the date of receipt of application on 5-4-1993. That was why the application said to have been sent by the concerned workman was not considered by the Respondent Bank. Besides the application was sent belatedly, it was not sent through the Branch Manager with his certificate of service. It was also not stated in the Claim Statement as to when the concerned workman approached the Branch Manager of the Respondent Bank for the certificate and when they have declined to certify about his employment. As WW1 in the cross examination, he has admitted the same. In any event, the eligible temporary employees engaged between 1-1-1982 and 31-10-1992 should get through in the written examination and also the interview conducted by the bank as per the norms fixed by the bank. Then only, the names

of such eligible candidates will be included in the panel for absorption against future vacancies of sub-staff in the Respondent Bank. The allegation of the Union that the concerned employee was paid through vouchers drawn on the permanent employees of the bank also cannot be acceptable and they cannot be taken as a proof of employment of the concerned workman in the branches of the Respondent Bank during the alleged period. If really the concerned workman was employed in the Jawahar Nagar branch as alleged in the Claim Statement as temporary employees, there would have been some records available in the branch itself and the Branch Manager would not have refused to grant one such requisite certificate for forwarding his application to the Zonal Office at Bombay. From this, it is seen that the Petitioner Union has not established their claim for the relief they prayed for the concerned workman.

8. Though it is alleged in the Claim Statement that the concerned workman is a member of the Petitioner Union, when it is disputed by the Respondent in their Counter, no acceptable evidence has been placed before this Court in support of the Petitioner's averment in the Claim Statement. Further, a specific stand has been taken in the Counter of the Respondent that the Petitioner Union is a minority union and does not command substantial section of the workmen of the bank and consequently it takes representative capacity and any demand raised by it cannot properly be an industrial dispute as per the Act. Nothing has been stated disputing this stand by way of any reply statement or rejoinder to the Counter by the Petitioner Union. No substantial evidence has also let in, in this case to disprove that contention of the Respondent Bank about the validity of the Union to raise this industrial dispute.

9. In view of the above findings, it is seen that the Petitioner Union has failed to prove that the concerned Sri D. D. Dharathan said to be a casual workman was a workman of the Allahabad Bank, Jawahar Nagar Branch, Madras. Further, the Petitioner Union has failed to prove the demand of Allahabad Bank Staff Union, Madras on the Management of Allahabad Bank, Madras for regularization of his services is justified. So, the concerned workman is not entitled to any relief. Thus, the point is answered accordingly.

10. In the result, an award is passed holding that the demand of the Allahabad Bank Staff Union, Madras for regularization of the services of the workman Sri C. N. Dharathan by the Allahabad Bank, Madras is not justified. Hence, the concerned workman is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For I Party/Claimant :
WW1 Shri C.N. Dharathan
WW2 Shri Rajkumar

For II Party/Management :
MW1 Shri G. Padmanabhan

DOCUMENTS MARKED :

For I Party/Workman :

Ex. No. Date Description

- W1 8-2-93 Xerox copy of the instruction or circular No. 322011.
W2 series Nil Xerox copy of the Petitioner's application along with annexures.
W3 Nil Xerox copy of the postal acknowledgement Card.
W4 Nil Xerox copy of the letter from Petitioner to the Management.
W5 20-9-94 Xerox copy of the letter of Petitioner Union to the Regional Labour Commissioner.
W6 25-10-94 Xerox copy of the letter of Management to Assistant Labour Commissioner (Central).

- W7 12-11-94 Xerox copy of the letter of Petitioner Union to Assistant Labour Commissioner (Central).
W8 1-12-94 Xerox copy of the letter of Petitioner Union to Assistant Labour Commissioner (Central).
W9 1-12-94 Xerox copy of the letter of Management to Assistant Labour Commissioner (Central).
W10 10-12-94 Xerox copy of the letter of Petitioner Union to Assistant Labour Commissioner (Central).
W11 14-12-94 Xerox copy of failure of conciliation report.

For the II Party/Management :

Ex. No. Date Description

- M1 8-2-93 Xerox copy of Memo No. CR/K3/90.
M2 13-12-91 Xerox copy of acknowledgement of C.O.
M3 21-2-92 Xerox copy of cancellation of Memo No. CR/K3/90 of the charge sheet.
M4 21-2-92 Xerox copy of the Fresh charge sheet Memo No. CR/K3/90.
M5 25-2-92 Xerox copy of the acknowledgement of C.O.
M6 Nil Xerox copy of letter of the Petitioner to the Management.
M7 23-3-92 Xerox copy of letter of the Petitioner to the Management.
M8 Nil Xerox copy of sub-rule 8(a) of CCS (CCA) Rules, 1965.
M9 22-4-92 Xerox copy of daily order sheet No. 2.
M10 24-8-92, 25-8-92, 27-8-92, 28-8-92 Xerox copy of deposition of PW1 to PW6.
M11 28-8-92 Xerox copy of the deposition of the Petitioner.
M12 10-8-90 Xerox copy of letter No. A/10/136/90.
M13 23-10-90 Xerox copy of Letter No. PR1/(P)/I Salem, HO.
M14 Nil Xerox copy of Management exhibits.
M15 8-11-90 Xerox copy of the enquiry report against the Petitioner.
M16 28-4-92 Xerox copy of letter from the Petitioner to the Enquiry Officer.
M17 5-6-92 Xerox copy of letter from Sri V.V. Shanmugham to the Enquiry Officer.
M18 13-6-92 Xerox copy of letter from the Petitioner to the Enquiry Officer.
M19 10-2-93 Xerox copy of Memo No. CR/K3/90—Order of the Disciplinary Authority.
M20 12-7-93 Xerox copy of Memo No. STB/20518/93—Order of the Disciplinary Authority.

नई दिल्ली, 21 मितम्बर, 2001

क.आ. 2859.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पाण्डेयन ग्रामा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-9-2001 को प्राप्त हुआ था।

[मं. एन-12012/617/98-आई.आर. (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 21st September, 2001

S.O. 2859.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Pandyan Grama Bank and their workman, which was received by the Central Government on 20-9-2001.

[No. L-12012/617/98-IR(BI)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 21st August, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 121/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 92/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri V. Meyyappan and the Management of Pandyan Grama Bank, Virudhunagar.)

BETWEEN

Sri V. Meyyappan.

I Party/Workman.

AND

The Chairman,
Pandyan Grama Bank,
Virudhunagar.

II Party/Management

APPEARANCE :

For the Workman : M/s. PVS. Giridhar & Rajani Ramadas
Advocates.

For the Management : Sri N.G.R. Prasad, Advocate.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-12012/617/98/IR (B-1) dated 4-5-99.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, where it was taken on file as I.D. No. 92/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 121/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 1-2-2001. On receipt of notice from this Tribunal, counsel on either side present with their respective parties and prosecuted this case further.

This matter came up before me for final hearing on 6-7-2001, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side and upon hearing the arguments of learned counsel on either side and this matter having stood over till this date for consideration, this Tribunal has passed the following :-

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :-

"Whether the action of the Management of Pandyan Grama Bank in terminating the services of the workman, Shri V. Meyyappan is justified? If not, to what relief he is entitled?

2. The averments in the Claim Statement of the I Party/Workman are briefly as follows :-

The I Party/Workman Sri V. Meyyappan (hereinafter referred to as Petitioner) has joined the service in the II Party/Management Bank (hereinafter referred to as Respondent) on 1-12-80 as Sweeper-cum-Messenger on a casual basis. His services were confirmed and regularized as a messenger by an order dated 16-10-81. The Respondent had issued a charge memo dated 21-8-94 to the Petitioner alleging that the Petitioner had abused his position in taking possession of the branch jewel loan card without the knowledge of the Manager and made use of it for private lending to make it appear to be pledged with the Raghunathapuram branch of the bank and that he had betrayed an illiterate party causing damage to the Bank's image. The petitioner by his letter dated 22-3-94 denied that charges. The domestic enquiry was conducted and the Enquiry Officer submitted a report dated 3-2-96 holding that the Petitioner is guilty of all the charges. He conducted the enquiry in the prejudiced manner and in violation of principles of natural justice. He submitted his findings without assessing the evidence in an impartial manner. The show cause notice dated 27-3-96 was issued to the Petitioner. The Petitioner had submitted his reply dated 22-4-96. However, the Respondent by his order dated 1-6-96 dismissed the Petitioner from service. The Petitioner preferred an appeal dated 14-7-96 to the Board of Directors. His appeal was rejected by an order dated 9-7-97. Neither the Disciplinary Authority nor the Appellate Authority have considered the evidence and records independently. Without giving adequate reasons, they have chosen to agree with the perverse findings of the Enquiry Officer mechanically. The two witnesses examined on the side of the management, have given hearsay evidence. There are various contradictions between their testimony. The complainant Mr. Palani who gave the signed statement Ex. ME7 has not been examined on the side of the Management, that as a defence witness, he denied the allegations; that the Petitioner had issued a jewel loan to him and he had not made any complaint as stated by MW1. There is no evidence to show that the Petitioner had committed forgery. The alleged forged signature of the Manager was not referred to any handwriting expert for opinion. The penalty of dismissal is grossly disproportionate to the charge. The Petitioner's past record of service has not been considered, while passing the impugned order of dismissal. The said order is violative of the principles under Articles, 14, 16 and 21 of the Constitution. The dispute raised by the Petitioner before the conciliation officer ended in a failure. On his submission of failure of conciliation report, the Govt. have referred this dispute for adjudication by this Tribunal. The Tribunal may be pleased to hold that the dismissal of the Petitioner is illegal and unjustified and direct the Respondent to reinstate the Petitioner in service with back wages, and all attendant benefits.

3. The averments in the Counter Statement of the II Party/Management are briefly as follows :-

The Petitioner availed frequent leave without Head Office's permission. He has availed leave on loss of pay of 132 days violating Bank's Staff Service Regulations and he was cautioned by the General Manager on 22-2-93. There was no violation of principles of natural justice while conducting the domestic enquiry. The Enquiry Officer after analyzing carefully the evidence on either side gave the finding that the charges levelled against the Petitioner have been proved. The Disciplinary Authority as well as the Appellate Authority had followed all the procedures and principles properly, while passing orders. Fair and reasonable opportunity was given to the Petitioner to put forth his defence effectively. The proved charges are very serious in nature involving moral turpitude such as forgery, betrayal of illiterate customer, causing damage to image of the bank etc. which warrants deterrent penalty. Considering the gravity of the charges and also to safeguard the interest of the bank, Disciplinary Authority passed appropriate final order and the same was confirmed by the Appellate Authority. Enquiry was ordered and conducted as per existing Staff Service Regulations of the Bank. Under such circumstances, no violation of Article 11, 16 and 21 of the Constitution has been done. In case, if the Tribunal comes to the conclusion that the findings of Enquiry Officer are perverse the bank may be given a chance to establish the charges before this forum. Hence, the claim may be dismissed.

4. The Point for my consideration is :-

"Whether the action of the Management of Pandiyan Grama Bank in terminating the services of the workman, Shri V. Meyyappan is justified? If not, to what relief he is entitled?"

Point :-

The 1 Party/Workman Sri V. Meyyappan (hereinafter referred to as Petitioner) joined the services of the Respondent/Bank as a Sweeper-cum-Messenger was regularized in service in October, 1981 as a messenger. For an alleged misconduct of the Petitioner that he had abused his position in taking possession of the branch jewel loan card without the knowledge of the Manager and made use of it for private lending to make it appear to be pledged with the Raghunathapuram branch of the bank, the Petitioner was issued the charge sheet dated 28-1-94. It is also alleged in the charge that by that misconduct the Petitioner had betrayed on illiterate party causing damage to the bank's image. The xerox copy of that charge sheet is Ex. W1. The Petitioner has submitted his reply dated 22-3-94 stating that he denied the charges levelled against him. The xerox copy of that reply is Ex. W2. A domestic enquiry was conducted to enquire into the charges mentioned in Ex. W1. Ex. M3 is the xerox copy of the enquiry proceedings. The Enquiry Officer submitted his report dated 3-2-96. The xerox copy of the same is Ex. W3/M4. The Management exhibits filed in the domestic enquiry are Ex. M5 series (9). On receipt of the report of the Enquiry Officer the Petitioner as delinquent employee has submitted his comments dated 28-2-96 stating that the evidence of the witnesses on either side in the domestic enquiry have not been properly analysed and the Enquiry Officer has given a finding favouring the Management side. Subsequently, the Petitioner was issued a show cause notice dated 27-3-96 proposing the punishment of dismissal from service and directing him to make his submissions in writing and also to appear for the personal hearing if he requires. The xerox copy of the show cause notice is Ex. W4. The Petitioner has submitted his reply to the show cause notice on 22-4-96. The Disciplinary Authority after considering the submission of the Petitioner as his reply to the show cause notice and also after hearing him in person on 20-5-96 passed a final order dated 1-6-96 confirming the proposed penalty of dismissal of the Petitioner from bank service with immediate effect. Then the Petitioner has preferred an appeal before the Board of Directors of the Bank on 14-7-96. His appeal was dismissed confirming the punishment awarded by the Disciplinary Authority. Against that the Petitioner raised an industrial dispute before the Assistant Labour Commissioner, Chennai on 6-3-98. The xerox copy of the same is Ex. W5. The Respondent/Bank has submitted the reply before the Assistant Commissioner of Labour. The xerox copy of the same is Ex. W6. The defence counsel also has made his submissions before the conciliation officer on 9-7-98. The xerox copy of the same is Ex. W7. As the conciliation ended in a failure the Assistant Labour Commissioner, Chennai has submitted a failure of conciliation report to the Government. It is dated 21-10-98. The xerox copy of the same is Ex. W8. It is the contention of the Respondent/Management that the Petitioner has committed a grave misconduct as alleged in the charge sheet and the same has been proved in the domestic enquiry and for the proved misconduct the Petitioner the charge sheeted employee was awarded penalty by the Disciplinary Authority which is proportionate to the grave misconduct of the Petitioner/Workman and the penalty was awarded to him as per the enabling clause under Bipartite Settlement.

5. The learned counsel for the Petitioner would contend that on Mr. Palani said to have given the complaint Ex. M5(6) has not been examined by the Management as witness. But when he was examined as the defence witness, he has stated that he does not know the Petitioner and he has not signed the statement on 22-1-94 and he has no connection with the statement and has not handed over a gold ornament to Sri V. Meyyappan, the charge sheeted employee for pledging in the bank on 11-12-93. So the charge based upon the complaint by Palani has not been proved by the Management in the domestic enquiry and in the absence of legal evidence to prove the charge against the charge sheeted employee only to support the Management the Enquiry Officer has given a finding in his report that the charges levelled against the charge sheeted employee the Petitioner have been proved so it has to be held that it is a perverse finding without any

evidence. Consequently, the order passed by the Disciplinary Authority on the basis of the finding given by the Enquiry Officer in his report has to be set aside and the confirmation of penalty imposed by the Disciplinary Authority and by the Appellate authority also has to be set aside. It is the further contention of the learned counsel for the Petitioner that the two witnesses in Ex. M5(6) complaint were also not examined by the Management in the domestic enquiry and when the author of the complaint himself giving evidence as DW1 has not supported the Management version, the conclusion of the Enquiry Officer that the charge based on the witness Palani's complaint has been proved is incorrect. For that the Enquiry Officer himself has assumed that it is an act of forgery committed by the charge sheeted employee, since no expert opinion is available as an handwriting expert, to examine the writings in the gold pledge card. So, there is no basis for the Enquiry Officer's conclusion that the charge sheeted employee has committed forgery, the evidence given by the Management witness in respect of the complaint of Mr. Palani amounts to only hearsay evidence and none of the Management witness has stated that the charge sheeted employee has committed forgery and hence the finding of Enquiry Officer that the Petitioner has committed forgery has no basis. Hence, it is a case of no evidence and the findings given by the Enquiry Officer in his report is perverse. So, it has got to be set aside and the punishment imposed by the Respondent/Bank alleging that it is a proved misconduct is also not correct and it has also to be set aside and an award is to be passed holding that the action of the Management of Pandiyan Grama Bank in terminating the services of the Petitioner is unjustified and the Management must be directed to reinstate the Petitioner in service with all attendant benefits.

6. The learned counsel for the Respondent would contend that the complainant Mr. Palani came to the bank and gave the gold jewel pledge card to the Manager himself and the Manager himself has examined as MW1 in the domestic enquiry and has spoken about the incident and has perused the jewel loan card. From the evidence available, it is seen that the concerned complainant Mr. Palani has come and give evidence as defence witness only to help the Petitioner the charge sheeted employee, the witnesses examined on the side of Management as MW1 and MW2 have stated that on 21-1-94 the said complainant Mr. Palani came to the bank to redeem the jewel and on that date the charge sheeted employee was on leave and hence he left the gold loan card in the bank and later on 22-1-94 both the MW1 and MW2 went to the house of the complainant and got the complaint whereas the complainant himself has stated that he has given the jewel loan card on the previous day. The account mentioned in the card refers to some other jewel loan as per the records of the bank and the jewel loan card concerned bears the name of the charge sheeted employee Mr. V. Meyyappan with the forged signature of the Manager and all the documents put together show that a jewel loan card has been surreptitiously taken by the charge sheeted employee V. Meyyappan from the bank and has been made use of to cheating an illiterate party and to have a parallel banking business of his own and for this he has prepared the jewel loan card as a make belief document, whereas as per the particulars available in the jewel loan card no jewel loan has been taken in the name of V. Meyyappan from the bank and such jewel loan has not at all been issued by the bank with the signature of the Branch Manager. The evidence of the complainant Mr. Palani as DW1 go to show that he came forward to give evidence for the delinquent employee voluntarily only to safeguard the charge sheeted employee and he has been brought to the enquiry at the instance of the defence counsel. Further in such cases strict compliance of Evidence Act need not be looked into. Management witnesses have stated in their evidence that Mr. Palani himself came to the bank and has informed them that he has given his jewel for pledging in the bank through V. Meyyappan an employee in the bank and in proof of the same he has produced the jewel loan card and on the next day Palani himself has given a statement in writing as a complaint. Both the jewel loan card and the complaint of Mr. Palani cannot said to be documents created by the Management witnesses themselves to avenge the Petitioner Mr. V. Meyyappan. It is nobody's case that the Manager of the bank at any time was quite enigmatical to Mr. V. Meyyappan, staff of the bank. There is no reason for the Manager of the Bank to foist a false incident against the concerned staff of the bank, the delinquent employee. So on the basis of the available evidence the Enquiry Officer came to the conclusion that the charges

levelled against the Petitioner/Workman was proved cannot said to be a perverse finding as the Disciplinary Authority having considered the same and the said misconduct very much reflects the moral turpitude of the concerned employee and also damage the image of the bank, apart from the concerned employee having shown he has conducted a parallel banking delinquent to the interest of the bank's business, has imposed the adequate punishment as per the prevailing clause in the Bipartite Settlement. Hence, the action of the Management can be held as justified.

7. A perusal of the entire records in this case, clearly shows that the Enquiry Officer after analyzing the evidence let in, in the domestic enquiry has given a finding holding that the Petitioner, the charge sheeted employee, had committed an act of misconduct as alleged in the charges and all the charges have been proved. So, it cannot be said that the Enquiry Officer has given a finding without any evidence and his finding is perverse. As put forth by the learned counsel for the II Party/Management, there are ample documentary evidence available in this case to show that the Petitioner, as delinquent employee, has committed a major misconduct of stealthily removing the jewel loan card from the custody of the bank and made use of the same for his purpose forging the signature of the Branch Manager and had cheated an illiterate party for pledging his jewel for a loan amount. There is no reason for the Management to foist one such case on the Petitioner, an employee of the bank by preparing documents in support of the charge. It is the categorical evidence of the MW1 Manager of the Bank branch that the signature contained in the gold loan card produced by DW1 Mr. Palani to him when he met him at the Bank branch contains the forged signature of himself and he has not at all put the signature and one such gold loan card was not issued by the bank for the loan number mentioned therein. From his oral evidence and other connected records of the bank, it is evident that the gold loan card of the bank was stealthily removed from the custody of the bank and was fabricated for the use of a bogus transaction in the name of the delinquent employee Mr. V. Meyyappan. The perusal of the said gold loan card with false particulars clearly shows that nobody else in the bank other than the concerned employee has done that mischief. As preponderance of probability is sufficient to come to a conclusion that the charges levelled against the delinquent employee is proved and strict adherence of Evidence Act is not necessary, non-obtaining on expert evidence by handwriting expert in respect of the disputed jewel loan card is not necessary in this case. From the available evidence, it is seen that in the domestic enquiry, the management was able to prove the misconduct of the Petitioner charge sheeted employee as alleged in the charge sheet. The very fact that the complainant Mr. Palani came and give as evidence as DW1 in support of the delinquent employee in the domestic enquiry shows that only to safeguard the delinquent employee that the misconduct committed by him as a contra evidence to the Management evidence which is not weighed much against the evidence of MW1 and MW2 in the domestic enquiry. There is no specific reason to disprove the evidence of MW1 and other documentary evidence filed on the side of the Management in the domestic enquiry. This is not the case of no evidence to prove the charges against the delinquent employee in the domestic enquiry. So, the Enquiry Officer had come to a correct conclusion that the charges have been proved against the charge sheeted employee, the Petitioner herein and had submitted his report. The proved charges are very serious in nature involving moral turpitude such as forgery, betrayal of illiterate customer causing damage of the image of the bank, which warrants deterrent punishment. The contention of the learned counsel for the Petitioner that no handwriting expert evidence is available to establish that the Petitioner has committed forgery. On the face of the evidence available in this case it is seen that the forgery have been committed by the Petitioner charge sheeted employee, the opinion of handwriting expert in this case is not an absolute necessity. Thus, considering the gravity of the charges also, and to safeguard the interest of the bank, the Disciplinary Authority had passed an appropriate final order by dismissing the Petitioner from service and the same has been confirmed by the Appellate Authority. Nothing is available in this case to conclude that the action of the Management against the Petitioner for the proved misconduct as an unjustified one. Thus, the point is answered accordingly.

8. In the result, an award is passed holding that the action of the Management Pandyan Grama Bank in termina-

ting the services of the workman Sri V. Meyyappan is justified. Hence, the concerned workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st August, 2001.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For I Party Workman :

On either side : None.

DOCUMENTS MARKED :

For I Party/Workman :

Ex. No.	Date	Description
W1	28-01-94	Xerox copy of the charge sheet.
W2	22-03-94	Xerox copy of the letter from the Petitioner to the Management.
W3	18-01-96	Xerox copy of the enquiry report.
W4	23-03-96	Xerox copy of the show cause notice.
W5	06-03-98	Xerox copy of the petition filed by the Petitioner before the Conciliation Officer.
W6	05-06-98	Xerox copy of the letter from Management to the Conciliation Officer.
W7	09-08-98	Xerox copy of the Petition filed by the Petitioner Union before Conciliation Officer.
W8	21-10-98	Xerox copy of the report on failure of conciliation.

For the II Party/Management :

Ex. No.	Date	Description
M1	22-02-93	Xerox copy of the warning letter issued to the Petitioner by the Management.
M2	28-02-96	Xerox copy of the letter from the Petitioner to the Management.
M3	N/A	Xerox copy of the enquiry proceedings
M4	N/A	Xerox copy of the enquiry report.
M5	series (9)	Xerox copy of the Management exhibits.

नई दिल्ली, 21 सितम्बर, 2001

का.आ. 2860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिटी बैंक, कोलकत्ता के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-09-2001 को प्राप्त हुआ था।

[सं. एल-12011/23/79-डी.-II ए/ आर्क आर (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 21st September, 2001

S.O. 2860—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of City Bank, Calcutta and their workman, which was received by the Central Government on 20-9-2001.

[No. L-12011/23/79-D. II. A/IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

New Delhi, the 25th September, 2001

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 40 of 1980

PARTIES:

Management of City Bank, Calcutta,

AND

Their workmen.

PRESENT:

Mr. Justice Bharat Prasad Sharma, Presiding Officer

APPEARANCE:

On behalf of Management: Mr. Atul Sharma, representative of the Bank.

On behalf of Workmen: Mr. Subhas Ch. Mukherjee, Secretary of the Union.

STATE: West Bengal

INDUSTRY: Banking

AWARD

By Order No. L-12011/23/79-J. II. A dated 3-6-1980 the Central Government in exercise of its powers under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"1. Whether the action of the management of City Bank N.A. 43, Chowringhee Road, Calcutta, in allotting staggering duties to individual clerks in the Bank on day-to-day basis is justified? If not, to what relief are the workmen concerned entitled?"

"2. Whether the action of the management of City Bank N.A. 43, Chowringhee Road, Calcutta in continuing to keep the posts of Tellers and Ledger Keepers on temporary basis and assigning their duties by rotation amongst other member-staff indefinitely is justified? If not, to what relief is the workman concerned entitled?"

2. Proceeding of the case was stayed in terms of the order of the Hon'ble Calcutta High Court dated 04-02-1981. The case was fixed today and notices were issued to the parties for their appearance to ascertain the present position of the matter before the Hon'ble Calcutta High Court. But, when the matter is called out today both the parties appear and file a joint petition stating that the matter has been settled between the parties and they do not want to proceed further and prayed for disposal of the matter accordingly.

3. Since the matter has been settled between the parties and they do not want to proceed further in the matter, the reference is disposed of by passing a "No Dispute" Award.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.अ. 2861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार : मालाप्रभा ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

[सं. एन-12012/37/98-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

3182 GI/2001—17

S.O. 2861.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Malaprabha Grameen Bank and their workman, which was received by the Central Government on 24-9-2001.

[No. L-12012/37/98-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
"SHRAM SADAN", G. G. PALYA, TUMKUR ROAD,
YESHWANTPUR,
BANGALORE-560 022

Dated: 6th September, 2001

PRESENT:

Hon'ble V. N. Kulkarni, Presiding Officer.

C. R. No. 85/98

I PARTY

Sh. Niranjan Kudva,
C/o The President,
Malaprabha Grameen Bank Employee Union,
9 Corporation Building,
Broadway,
Hubli-580 020.

II PARTY

The Chairman,
Malaprabha Grameen Bank,
Head Office,
P. B. Road,
Dharwad-580 001.

APPEARANCES:

I Party: M. Rama Rao, President.

II Party: B. C. Prabhakar, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/37/98-IR(B-I) dated 21/23-09-1998 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Malaprabha Grameen Bank, Dharwad in dismissing the services of Sh. Niranjan Kudva K. clerk is justified? If not, what relief the concerned workman is entitled to?"

2. I Party was working with the II party, some irregularities were committed. Charge Sheet was issued, Enquiry was initiated and on the basis of the Enquiry Report I party workman was dismissed and therefore Industrial Dispute is raised.

3. Parties appeared and filed Claim and Counter Statements respectively.

4. The case of the I party in brief is as under.

5. The I party joined the bank in the year 1989 as Clerk and he served the II party continuously, honestly and diligently. He had gone on leave and when he returned from leave it was informed that there were some irregularities in the Bank. He was asked to accept the irregularities and was assured that nothing would happen. He signed under threat and Police. The manager asked him to sign on the slip, complaint was also lodged and he signed the slip without seeing the contents. He was kept under suspension. He was not given copies of the letters. He approached General Manager of the Malaprabha Grameena Bank Employees Association. The

non-supply of documents from the very first stage was not correct. The letter was taken under coercion.

6. Regarding the enquiry it is said that the same is not correct. Full opportunity was not given to him. The punishment is illegal. It is further stated that the Clerk of the loans on deposit section and other superior officers were also responsible and the charge sheet issued to the I party alleging irregularities is not correct. The Bank has not initiated enquiry against the concerned officers of the bank, who were missing about a period of 5 months. The enquiry conducted is against the principles of natural justice and the same is null and void. Therefore, the I party for these reasons has prayed to pass an award in his favour.

7. The case of the II party in brief is as under.

8. The bank is establishment under Regional Rural Bank Act, 1976 with 213 branches. Bank has made considerable progress and indefatigable efforts, good management with the co-operation of its employees. The bank is a sensitive institution and is a financial institution.

9. I party while working at Hubli was issued with charge sheet for fraud and serious irregularities. The I party was arranging loans against the deposit of customers without the knowledge of customers by forging customer's signature and fraudulently he used amount for his personal use. He used to remove loan documents, ledger folios and voucher bundles of the day by committing fraud and was defacing daybook entries. The misconduct is serious and charge sheet was issued was given.

10. Enquiry was initiated and regarding enquiry it is said in para 6 that full opportunity, all the documents were furnished to him. Opportunity was given to cross-examine management witness and enquiry is proper, legal and justified. The finding of the enquiry officer are based on both oral and documentary evidence tendered before him at the enquiry. The enquiry report is correct. The punishment is proper. The management for these reasons and for other reasons has prayed to reject the reference.

11. One Mr. K. M. Kulkarni, EC Member of MGBFA represented the workman and he cross-examined management witnesses. The allegations now made by the I party in respect of his defence representative are not correct. Regarding enquiry entire proceedings are explained in the counter. The management has prayed to reject the reference.

12. It is seen from the records that the management in order to prove that the Domestic Enquiry is fair and proper has examined MWI who has given detailed evidence. The workman also got examined himself. It is seen from the records that this tribunal by its order dated 7th July, 1999 has passed orders holding that the Domestic Enquiry is accordance with law. Thereafter the case was posted for arguments.

13. The representative of the I party has pressed to record evidence of I party against victimisation, so permission was granted and workman got examined himself as WWI. He says that Manager took him to the cabin and he was victimised.

14. I have heard both sides. The learned counsel for the II party vehemently argued that the misconduct is proved and the fraud is proved and the management has lost confidence in the employee and therefore the order of dismissal is correct. In support of this arguments he relied on following decisions :

- (a) 1995 1 LLJ page 1076-Karnataka High Court—Bank of India vs. Padmabhadr.

It is settled law that once confidence is reduced, or a responsible post is misused the Court should not lightly consider the same and grant relief. Temporary misappropriation is a good ground for dismissal.

- (b) AIR 1996 SC 1249—Supreme Court Municipal Committee Barduarh vs. Krishnan Bahen and others.

Held—There cannot be any other punishment than dismissal in case of misappropriation and corruption.

- (c) 1998—Lab IC 2514—Supreme Court—Division Bench Union Bank of India vs. Vishwa Mohan.

— Held—It needs to be emphasized that in the Banking business, absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee. If this is not observed the confidence of public/depositors would be impaired—Dismissal is justified.

- (d) Judgement Today 1998 (9) SC 37—Supreme Court—State of Karnataka and others vs. H. Nagaraj.

— Held—The tribunal cannot reduce the penalty imposed by the Disciplinary Authority as a matter of routine. The principle of proportionality can be invoked regarding punishment only in a case where the punishment was totally irrational in the sense that it was in outrageous defiance of logic or moral standards.

- (e) AIR 1999 SC 625—Division Bench—Apparel Export Promotion Council vs. A. K. Chopra.

Unless the punishment imposed by the Disciplinary Authority is either impermissible or such that it shocks the conscience of the High Court, it should not normally substitute its own opinion and impose some other punishment.

- (f) AIR 1997 SC 2148—Narayana Dattatraya Ramteerthkar vs. State of Maharashtra and others.

Delinquent Officer Committed Misappropriation of public money. Removal from service is appropriate punishment.

- (g) 1999 2 LLJ page No. 194—Management of Syrian Bank Ltd., vs. Industrial Tribunal, Madras 104 and another.

Employee cannot claim right to commit fraud during course of employment. Employees issued maintain minimum standard of integrity. Ethical standards cannot be abounded and plea that justice should be rendered with mercy. Order of dismissal cannot be invalidated on ground of sympathy where such sympathy would be misplaced because of proved grave misconducts of fraud committed by employee.

15. I have considered the entire enquiry proceedings. It is seen from the records that the enquiry is conducted very systematically. The contention of the I party at this stage that the enquiry is not fair and proper and the report of the Enquiry Officer is not based on the evidence cannot be looked into except to know whether the report is perverse or not because this tribunal has passed orders holding that the Domestic Enquiry is fair and proper.

16. In order to say that the enquiry report is perverse and the punishment imposed by the Disciplinary Authority is either impermissible or such that it shocks the conscience of the High Court, it should not normally substitute its own opinion and impose some other punishment as laid down in AIR 1999 SC 625. It is also held in 1998(9) SC 37 Supreme Court—State of Karnataka and others vs. H. Nagaraj, that the tribunal cannot reduce the penalty imposed by the Disciplinary Authority as a matter of routine. The principle of proportionality can be invoked regarding punishment only in a case where the punishment was totally irrational in the sense that it was in outrageous defiance of logic or moral standards. I have read the above decisions carefully.

17. In order to say that the punishment is not correct and it is excessive and it is a fit case to invoke the provisions of Section 11A of the Industrial Dispute Act, the I party workman has to convince that the report of the Enquiry Officer is perverse and more particularly in this case there was threat, coercion etc., has to be proved by the I party but the I party has not adduced any evidence to prove all this except saying in his evidence that there was Unfair Labour Practice and he was victimised. These allegations have to be substantiated but nothing is on the record. Further, it is to be established that the finding of the Enquiry officer is without any evidence or material. In the absence of all this and in view of the principles held in the above decisions referred earlier, it is difficult to invoke the provisions of Section 11A of the Industrial Dispute Act.

18. The High Court of Karnataka recently in a decision reported in ILR 2001 KAR 2650, North West Karnataka Road Transport Corporation vs. H. B. Nadger and ILR 2001 KAR 2914 Karnataka State Road Transport Corporation vs. A. Ramanna has held that once the delinquent official is guilty of the alleged misconduct then there is no other go but to respect the punishment imposed by the management and in such cases showing uncalled for sympathy does not arise and the Labour Court was wholly unjustified in invoking the provisions of Section 11A.

19. Keeping all this in mind, and the principles held in the above referred decisions and the facts of the case, I am of the opinion that there is no merit in this reference and I proceed to pass the following order.

ORDER

Reference is Rejected

(Dictated to the L.D.C. in camp. court, transcribed by him, corrected and signed by me on 6th September, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.अ. 2862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनाइटेड वेस्टर्न बैंक लिमिटेड के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/45/94-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th September, 2001

S.O. 2862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Western Bank Ltd., and their workman which was received by the Central Government on 24-9-2001.

[No. L-12012/45/94-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT

“SHRAM SADAN”,

III MAIN, III CROSS, II PHASE, TUMKUR
ROAD, YESHWANTHPUR, BANGALORE

Dated : 17th September, 2001

PRESENT :

HON'BLE SHRI V. N. KULKARNI,

B.COM. LLB.

PRESIDING OFFICER
CGIT-CUM-LABOUR COURT,
BANGALORE

C.R. No. 60/97

I PARTY :

Shri Venkatesha Kani,
Singathahalli Village,
Dodda Madura Post,
Kunigal Taluk,
Yedyur Hobli-452142,
Advocate—Shri S. Raju

II PARTY :

The General Manager,
United Western Bank Ltd.,
172/4, Ranwar Peth,
Shivaji Circle,
Satara-415001,
Advocate—Shri R. Nagendra Naik.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes 1947 has referred this dispute vide order No. L-12012/45/94-IR(B-I) dated 19th July, 1995 for adjudication on the following Schedule :—

SCHEDULE

“Whether the action of the management of the United Western Bank Ltd., Satara, is justified in dismissing Shri Venkatesha Kani a Sub-staff w.e.f. 11-1-1990 ? If not, what relief he is entitled to ?”

2. First party was working with the Second Party. Charge Sheet was issued and enquiry was conducted. He was dismissed from service and therefore Industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the first party in brief is as follows :

5. It is the case of the first party that he joined the services of the second party as

Attender on 15-7-1997. Subsequently he was confirmed as Peon. He was discharging his services sincerely and honestly with good record. The Manager of the Bank developed ill will against him and was causing harassment. The charge sheet is not correct. He has not committed any misconduct. He was not unauthorisedly absent and the charges are not true.

6. Regarding enquiry it is said that the enquiry is not correct. There is victimisation. The first party for these reasons has prayed to pass award in his favour.

7. The case of the second party in brief is as follows :

8. This dispute is raised after 38 months from the date of dismissal and this delay on the part of the first party makes the dispute time-barred/stale. It is true that the first party was working as Peon.

9. Regarding enquiry it is said that the same is valid and proper. It is the further case of the management that on 13th July, 1984 one Mr. M. K. Narayana Murthy, a Saving Bank Account Holder of Bangalore branch of the Second party had deposited a cheque of Rs. 470 in his account. The first party committed theft and encashed it from Kanara Bank on 16-7-84 by forging the signature of the customer. The details are given in para 6 of the Counter.

10. First party was absent without leave and he was attending bank in drunken condition and he was not obeying his superiors. Management for these reasons and for some other reasons has prayed to reject the reference.

11. It is seen from the records that the management examined one witness MW1. First party has not examined himself.

12. It is seen from the records that this tribunal by its order dated 29th June, 2001 is held that the DE is fair and proper and thereafter the matter was posted for arguments. First party was very irregular in attending the proceedings.

13. I have heard first party and the management. I have considered the entire evidence and the material produced during the enquiry.

14. Now that the enquiry is held as fair and proper, it has to be established by the

workman that the findings are perverse and the order of punishment is not correct. The first party workman has not convinced as to how the finding is perverse. There is no reason to discard the report of the enquiry officer. It is in accordance with the evidence and the findings are correct.

15. Keeping in mind the principles held in a recent decision of High Court of Karnataka, I am of the opinion that there are no grounds to invoke the provisions of Section 11A and the first party has not established that the punishment is not proportionate.

16. Taking all this into consideration, I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order.

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 17th September, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.आ. 2863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लक्ष्मी विलास बैंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

[सं. एल-12012/67/98-आई आर (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th September, 2001

S.O. 2863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Laxmi Vilas Bank Limited and their workman, which was received by the Central Government on 24-9-2001.

[No. L-12012/67/98-IR(BI)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT "SHRAM SADAN", G. G. PALYA,
TUMKUR ROAD, YESHWANTPUR,
BANGALORE-560022

Dated : 6th September, 2001

PRESENT :

Hon'ble V. N. Kulkarni, Presiding Officer.

C.R. No 89/98

I PARTY

Sh. G. K. Parshuram Rao,

Ch. The General Secretary,

Dharwad District Bank
Employees

Association 9, Corporation
Building,

Broadway, HUBLI-580020.

II PARTY

The Chairman,

Laxmi Vilas Bank
Limited,

Registered Ad-
ministration
Office.

Salem Road,
Kothparai,

KARUR-639006.

APPEARANCES :

I Party : M. Rama Rao, General Secretary.

II Party : Ravishankar Patil, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/67/98/IR(B-I) dated 15-10-98 for adjudication on the following schedule.

SCHEDULE

"Whether the action of the management of Laxmi Vilas Bank limited in dismissing the services of Sh. G. K. Parashuram Rao, Sub-staff w.e.f. 3-11-1995 is justified? If not, to what relief the concerned workman is entitled?"

2. I party was working with the II party as Temporary Sub-staff. He committed misconduct and Charge Sheet was issued. Enquiry was initiated and on the basis of the Enquiry Report he was dismissed from service and therefore, this Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the I party is as under

5. It is the case of the I party that he joined the services of the II party in Davangere Branch as Temporary Sub-staff and served bank continuously till he was dismissed.

6. It is the further case of the I party that he was kept under suspension and Charge Sheet was issued, but the Charge Sheet is not correct. Charge Sheet was not given in Kannada Language though it was insisted. Regarding enquiry, number of allegations are made and it is said that Enquiry Officer without

proper notice came to Hubli and called I party to attend the Enquiry and letter given by the I party was not considered. The Enquiry is not proper and it is pre-decided and hurriedly prepared Enquiry Report. The main contention of the I party is that the Enquiry was conducted against the Principles of Natural Justice and against the Bi-partite Settlement. The action of the Management is not correct.

7. I party for these reasons has prayed to pass Award in his favour.

8. The case of the II party in brief is as follows.

9. It is the case of the Management that the I-party while working as Sub-staff on 30-8-1994, I party prepared withdrawal slip for Rs. 10,000.00 in respect of S. B. A/c No. 1598 of Smt. Girijamma and Sri Niranjana Basavarajappa Tandur and by forging the signature of Smt. G. B. Tandur, he presented the instrument for payment, and managed to receive the proceeds of the instrument.

10. A complaint was raised disputing the withdrawal of amount from their account. The I party gave a letter and later he remitted a sum of Rs. 10,000.00

11. I party committed serious irregularities and misappropriated the bank's money and rightly Charge Sheet was issued and Enquiry was conducted.

12. Regarding the enquiry it is the case of the Management that the enquiry is proper and correct. Full opportunity was given to him and enquiry was fixed at Hubli. The request of the I party to take service of Advocate was against the provisions of Bi-partite Settlement. The I party failed to avail the opportunity. Management has given details of the enquiry and has said that the Charges are proved.

13. It is the further case of the management that keeping an employee of such a Shady Character would only shatter the trust and confidence of the constituents of the Bank and therefore the Order of Dismissal is correct. The Management for these reasons has prayed to reject the reference.

14. It is seen from the records that the representative appearing for the I party filed Memo before this Tribunal and conceded. Validity of Domestic Enquiry as per the proceedings of this Tribunal dated 11th August, 1999. Thereafter matter was posted for Arguments.

15. On 5th September, 2001 the representative insisted to examine I party regarding Victimisation and his evidence was recorded.

16. It was contended by the Representative for the I party that misconduct is not proved and punishment is excessive, etc.

17. Now that the I party has conceded the Validity of Enquiry, in my opinion these arguments will not hold good. The only thing which is to be seen now is whether there is Victimisation and Unfair Labour Practice by the Management and the punishment is proportionate or not. I have carefully gone through all the Enquiry proceedings and the material

produced during the enquiry. The I party could not convince so as to say that the Enquiry is perverse. I party was working in the Bank and was expected to discharge his duties honestly but he has failed to do so.

18. I have carefully considered the evidence of the I party, he only says that within 2 or 3 days enquiry was conducted and report was submitted. He only said that the Enquiry Officer was biased and he has done everything. From the evidence of the I party, I am of the opinion that he has failed to prove that Victimisation or Unfair Labour Practice.

19. In view of the recent decisions of the High Court of Karnataka ILR 2001 KAR 2650, North West Karnataka Road Transport Corporation vs. H. B. Nadger and ILR 2001 KAR 2914, Karnataka State Road Transport Corporation vs. A. Ramanna has held that once the delinquent official is guilty of the alleged misconduct then there is no other go but to respect the punishment imposed by the management and in such cases showing uncalled for sympathy does not arise and the Labour Court was wholly unjustified in invoking the provisions of Section 11A.

20. In other words without any material to say that the Enquiry Report is perverse and the charges are not proved. Keeping in mind the Principles in the recent decisions and the decisions of the Karnataka High Court, I am of the opinion that there is no material to invoke Section 11A of the Industrial Disputes Act and accordingly, I proceed to pass the following Order.

ORDER

Reference is Rejected

(Dictated to the LDC in camp court, transcribed by him, corrected and signed by me on 6th September, 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.अ. 2864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रत्नाकर बैंक लिमिटेड के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलूर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-2001 को प्राप्त हुआ था।

[स. एल-12012/265/95-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 25th September, 2001

S.O. 2864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ratnakar Bank Limited and their

workman, which was received by the Central Government on 24-9-2001.

[No. L-12012/265/95-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, "SHRAM SADAN" G. G. PALYA,
TUMKUR ROAD, YESHWANTPUR, BANG-
LORE-560 022

Dated, 6th September, 2001

PRESENT :

Hon'ble V. N. Kulkarni, Presiding Officer

C.R. No. 216/97

I Party

Sri Shivananda M. Gholi,
C/o Dharwad District Bank Employees
Association, 9, Corporation Building,
Broadway,
Hubli-580020.

II Party

The Assistant General Manager,
The Ratnakar Bank Limited,
179/'E' Ward,
Shri Shahu Market Yard,
Kolhapur.

APPEARANCES :

I Party : M. Rama Rao, General Secretary.

II Party : Harikrishna S. Holla, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/265/95-IR(B-I) dated 11th March, 1997 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Ratnakar Bank Limited in terminating the services of Sri Shivananda M. Gholi, sub-staff with effect from 01-04-1994 is justified? If not, to what relief the workman is entitled?"

2. I party was working with the II party in the clear cut Sub-staff vacancy from 1988 August to March 1993 and he was paid wages at Rs. 20 per day. He was asked to work for 38 days in the year 1988, 125 days in the year 1989, 282 days in the year 1990, 294 days in the year 1991, 208 days in the year 1992 and 45 days in the year 1993 as said in the para 2 of the Claim Statement.

3. Salary was paid by crediting the amount to the savings account and sometime in cash by taking signature on vouchers. He was denied Bonus and

other benefits. On 1-4-1993, the management without any reasons, notice or without giving compensation, refused work to the I party workman. It is the further case of the workman that he completed 240 days of work and refusal of work is not correct.

4. In fact the management has to issue appointment order as per clause No. 495 of the Shastri Award and as per clause No. 493 of Shastri Award the Management has to maintain service records as stated in para 5 of the claim. The provisions of the Bi-partite Settlement are also stated in the para 6 of the Claim Statement. The action of the management is not correct and therefore the I party has prayed to pass award in his favour.

5. The case of the II party is brief is as follows.

6. The reference is not maintainable on facts. The I party was engaged by the Branch Manager at Hubli. No appointment order appointing first party was issued. There is no territorial jurisdiction.

7. I party was working in a clear cut Sub-staff vacancy upto 31-3-1993. As a matter of fact Bank Manager has no powers to appoint any person including daily wage staff, and that engagement itself is illegal. The termination order is correct. The management in order to meet extra load of work actuated on account of leave/absence of regular sub-staff engaged services of I party and I party was given work only when regular staff went on leave. Therefore, the engagement is actuated on the day when there is sufficient workload. I party has not worked for 282 days in the year 1990, 294 days in the year 1991. In fact he worked only for 156 days in 1990 and 197 days in 1991. It was necessary for the Branch Manager to get approval everytime when wages are paid for the staff and in the instant case no such approval has been obtained. Allegations that the I party was terminated from the service with notice, and without giving compensation etc., are fake as the I party was given work only on account of regular staff was on leave. Therefore, II party has no work so he was not engaged. I party has never worked continuously for more than 240 days in an year. The II party is not a nationalised bank but a statutory bank and the II party is not a party to Bi-partite Settlement as referred by the I party. The question of continuing the services does not arise at all. The management for these reasons has prayed to reject the reference.

8. It is seen from the records that on behalf of management MW1, Officer Scale II was examined. According to his evidence he says that the I party was not appointed in any existing vacancy and he was engaged at Hubli Branch against leave vacancy. The I party has worked in Hubli for 38 days in 1988, 98 days in 1989, 175 days in 1990, 197 days in 1991, 205 days in 1992 and 30 days in 1993.

9. He has also stated that he has produced Salary Records and Registers, which are marked. He has further stated that the I party has not worked for 240 days. The I party being casual employee is not entitled for any bonus. The Board of Directors are appointing authorities for Sub-staff.

10. MW1 has stated that they have sent interview letter to I party on 16-2-1995 offering I party for permanent staff and Ex. M 3 is the list and his serial No. is at 3 which is in Marathi Language. Before I proceed further, I may say that I know Marathi very well and I have read his name at Serial No. 3.

11. MW1 further says in his cross-examination that I party has not attended the interview. MW1 further says that I party works in Chatge Transport, Bijapur. MW1 states in his cross-examination that Identity Cards are given to permanent employees and Bi-partite Settlement is not applicable to them though they are the member of the Indian Bank Association. He clearly says that the I party worked from 27th August, 1988 onwards. He says that Identity Card is not correct and the Identity Card will be issued by the General Manager, which is Ex. W-1. I have read his evidence very carefully, I have considered all the Documents.

12. It was argued by the management that the I party was not a permanent worker and he was temporary worker on daily wages. I have perused the registers produced by the management. I have seen Identity Card. This card is issued by the officer of the Ratnakar Bank Limited, Branch Hubli, Dajiban Peth, Hubli. The explanation of MW1 in the above is not correct. If the Identity Card is to be given by the General Manager, it is not explained by the management as to why the officer who has signed Ex. W-1 has issued card. The management has not examined that officer in order to explain anything about Ex. W-1. We have the certificate of the management showing that the I party has worked as Sub-staff and he worked satisfactorily. The I party has filed Ex. W-8, a representation from the customers asking the authorities not to discontinue the I party workman. In my opinion this is an exgeration on behalf of the I party and unwarranted. Anyhow the management has issued Identity Card to the I party. Further, MW1 in his cross-examination says that interview notice was issued to the I party. In other words it is clear that the I party was eligible for his absorption. The evidence of MW1 is not very much clear to place reliance. It was argued, by the representative of the I party that I party is called to interview, and much was said that the interview card has no correct address and the management has caused injustice to the I party. It was also argued that according to the same records I party was named Shivanand Goli and sometime as Shivanand Chadchana and this is clear from the extract of Subsidiary Book. This shows that there is truth in the submissions by Shri Ramarao. I think this is seriously contested by the I party to establish, that the notice of interview was not sent to I party on correct address. In Ex. M-3, the I party name is shown as Shivanand M. Goli and the address also is not proved by the management.

13. Fact remains that I party was called for interview. In other words, it is clear that the I party was entitled to be considered for regularisation and the order of termination is not correct. Taking all this into consideration and the available documents and the evidence of workman, I am of the opinion that the order of termination is not correct. According to the evidence of workman some others are continued

and they were not terminated. This shows that the action of the management is not correct.

I have given my best consideration, the material before me and I am of the opinion that the order of termination is not correct and accordingly I proceed to pass following order :

ORDER

Order of termination is set aside. The management is directed to reinstate the I party to the post from which he was terminated and in the given circumstances back wages are not allowed. I party may be given continuity of service, if all other conditions are satisfied.

(Dictated to the LDC in camp court, transcribed and corrected and signed by me on 6th September, 2001.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 21 सितम्बर, 2001

सं. का. प्रा. 2865—प्रयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में; केन्द्रीय सरकार, श्री. सी. सी. एल. के. प्रबंधक के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध से निष्पत्ति प्रयोगिक विवाद में केन्द्रीय सरकार प्रयोगिक अधिकरण (सी.-II) बनवाव के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-2001 को प्राप्त हुआ था।

[सं. एल.-24012/75/86-डी-IV बी/आईआर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st September, 2001

S.O. 2865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in Annexure in the Industrial Disputes between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 21-9-2001.

[No. L-24012/75/86-D.IV B/IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10 (1)(d) of the I.D. Act, 1947.

Reference No. 38 of 1987

PARTIES :

Employers in relation to the management of Jeenagora Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the Workman.—Shri S. Bose,
Treasurer, R.C.M.S. Union.

On behalf of the Employers.—Shri B. Joshi,
Advocate.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, Dhanbad, the 11th September, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/75/86-D.IV(B) dt. 30-12-86.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh to give employment to Shri Jagannath Bouri dependant of Late Balia Bourin by the Management of Jeenagora Colliery is justified? If so, to what relief the workman is entitled?"

2. The case of the concerned workman according to his W.S. in brief is as follows :—

It has been submitted by the concerned workman in the W.S. that Smt. Balia Bourin was a permanent worker as Cat. I Mazdoor in Jeenagora Colliery of BCCL having I.D. Card No. 86799. He disclosed that Smt. Balia Bourin and her husband Shri Mathur Bauri had no issue and adopted Sarma Baurin as daughter from her infancy and got her married to Shri Jagannath Bauri, the concerned workman. Smt. Balia Baurin died in harness on 4-10-79 and for which according to the provision of NCWA para 10.4.2 a dependant of a workman who died in harness will be provided with suitable employment. He further submitted that the management also had adopted a policy of employing "male" in place of eligible female workman whom the eligible female will nominate and on that basis Smt. Sarma Baurin the dependant adopted daughter of late Balia Bourin who was entitled for employment nominated him for employment in her place. But the management for the reasons best known to them did not accept that nomination and for which the industrial dispute was taken up by the union of the workman namely R.C.M.S. but that also did not yield any result. Thereafter the union raised an industrial dispute before the ALC(C), Dhanbad who took up the matter with the management and held conciliation proceeding but that ended in failure resulting reference to this Tribunal.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman/union asserted in the W.S. The management in the W.S. submitted that Smt. Balia Baurin was employed in Khas Jeenagora Colliery as Cat. I Mazdoor and she died on 4-10-79. It has been further disclosed that Smt. Balia Baurin and her husband Mathura Bauri who was employee of the management had no children of their own. The management categorically denied the fact that the said Balia Baurin and

her husband adopted Smt. Sarma Baurin as their daughter and that Jagarnath Bauri was dependant on Smt. Balia Baurin. It has been submitted that neither Balia Baurin and Mathur Bauri had of any time declared that they had any adopted daughter in the name of Sarma Baurin. They also never availed of L.T.C. or L.L.T.C. benefit as per NCWA in favour of Sarma Baurin, the alleged adopted daughter. The management also categorically denied the fact relating to the claim of Smt. Sarma Baurin for giving employment of her husband Shri Jagarnath Bauri, according to her nomination in view of the terms given in para 10.4.2 of NCWA, II. The management submitted that as per para 10.4.2 of NCWA-II the claim of Jagarnath Bauri or Sarma Baurin does not stand because of the fact that the said provision does not cover claim for employment of so-called adopted daughter. The provision exists only in the case of adopted son. Accordingly the management submitted that the claim of the concerned workman/union for employment of Jagarnath Bauri finds no basis at all. But knowing fully well of the fact this industrial dispute has been raised only to get benefit unlawfully. Accordingly the management has prayed for passing necessary award setting aside the claim of the concerned workman/union.

The points for decision in this reference are :—

“Whether the demand of Rashtriya Colliery Mazdoor Sangh to give employment to Shri Jagarnath Bauri dependant of Late Balia Baurin by the Management of Jeenagora Colliery is justified? If so, to what relief the workman is entitled?”

DECISIONS WITH REASONS

5. The concerned workman/union in order to substantiate the claim examined one witness while the management in order to rebut the claim of the concerned workman/union examined one witness. Considering the facts and circumstances and also considering the evidence on record I find no dispute to hold that Smt. Balia Baurin was an employee under the management, Mathur Bauri, husband of said Balia Baurin was also an employee of the management. It is also clear from the evidence on record and also from the facts and circumstances of the case Smt. Balia Baurin and her husband Mathur Bauri had no issue of their own. It is the contention of the concerned workman that during life time Smt. Balia Baurin and Mathur Bauri adopted Sarma Baurin as their daughter and thereafter said Sarma Baurin was married to Shri Jagarnath Bauri. It is also admitted fact that Balia Baurin died in harness. After death of Balia Baurin Jagarnath Bauri relying on para 10.4.2 of NCWA-II submitted his prayer for getting his employment under the management. The main contention of the management is that a son-in-law is not entitled to get any such benefit according to para 10.4.2 of NCWA-II. Apart from this fact the management also denied the claim of the concerned workman/union that Sarma Baurin was adopted by Smt. Balia Baurin and Mathur Bauri during their life time. Therefore, in the instant case two questions have been cropped up. First question is whether Sarma Baurin was adopted daughter of Smt. Balia Baurin and her husband and the second question is of so, whether

Jagarnath Baurin husband of Sarma Baurin is eligible to claim employment as per para 10.4.2 of NCWA-II after death of Smt. Balia Baurin. The concerned workman/union cannot avoid responsibility to establish the claim that Sarma Baurin was the adopted daughter of Smt. Balia Baurin and her husband. During evidence the concerned workman/union has failed to produce a single scrap of paper to show that Sarma Baurin was adopted by Smt. Baurin and her husband. It is the contention of the concerned workman/union that Sarma Baurin has received all benefits from the management after the death of Balia Baurin being her legal heir. I do not want to raise any dispute to this effect. If the document Ext. M-5 is taken into consideration I think it will expose everything. It is seen that Sarma Baurin after the death of Balia Baurin submitted a petition before the management to draw gratuity as a legal heir of late Balia Baurin. The statement given by Sarma Baurin in the said petition shows clearly that she submitted her claim being niece of Balia Baurin and not as her adopted daughter. It is the contention of the concerned workman/union that Sarma Baurin was adopted by Smt. Balia Baurin during her infancy and brought up by them. If it was so, there was no reason to refrain Sarma Baurin to declare herself as adopted daughter when she submitted her petition in the matter of claiming gratuity of Smt. Balia Baurin before the management. This very petition submitted by Sarma Baurin shows clearly her relationship with Balia Baurin and Mathur Bauri. Therefore, until and unless any sufficient evidence is produced that she was adopted daughter of Smt. Balia Baurin and her husband I find it difficult to accept such contention. Apart from this fact let us consider if according to para 10.4.2 of NCWA-II husband of Sarma Baurin is entitled to get any employment after the death of Smt. Balia Baurin. Para 10.4.2 clause (i) and (ii) speak as follows :—

“10.4.2 Employment to one dependant of the worker who dies while in service.

- (i) The dependant for this purpose must be the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment younger brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be dependant of the deceased.
- (ii) The dependant to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit shall not apply in the case of the spouse.”

Therefore, the provision as laid down in para 10.4.2 does not provide any room for getting any employment of Jagarnath Bauri husband of Sarma Baurin under the management. Onus absolutely lies on the concerned workman/union to establish that the provision as laid down in para 10.4.2 also can be applied in this case. Learned Advocate for the concerned workman/union in course of hearing has failed to satisfy this aspect lamentably. As such after careful consideration of all the facts and cir-

circumstances I hold that the claim of the concerned workman/union for getting employment finds no basis at all. I do not find any unfairness or illegality in the matter of rejecting the claim of the concerned workman/union. In the result, the following Award is rendered :—

“The demand of Rashtriya Colliery Mazdoor Sangh to give employment to Shri Jagarnath Bouri dependant of Late Balia Bourin by the Management of Jeenagora Colliery is not justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer.

नई दिल्ली, 21 सितम्बर, 2001

क्र.आ. 2866—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-II) धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-2001 को प्राप्त हुआ था।

[सं. एल-20012/191/94-आई आर (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 21st September, 2001

S.O. 2866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. II), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 21-9-2001

[No. L-20012/191/94-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 64 of 1995

PARTIES :

Employers in relation to the management of
M/s. B.C.C.L. and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

ATE : Jharkhand.

INDUSTRY : Coal.

Dated, Dhanbad, the 12th September, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/191/94-I.R. (Coal-I), dated, the 4th May, 1995 :

SCHEDULE

“Whether the action of the management of Bhowra OCP of M/s. BCCL in not regularising Shri Mahendra Pratap Singh, Shovel Operator in Excavation Tech. 'A' Grade and not paying difference of wages of Tech. 'A' Grade is justified? If not, to what relief the concerned workman is entitled and from which date?”

2. The case of the concerned workman in brief is as follows :—

The concerned workman in his W.S. submitted that he has been working as Shovel Operator since the date of his appointment at Bhowra IV B O.C.P. He submitted that there is provision for making payment of Excavation Grade-A wages as per the classification of the workmen and their works. In spite of that existing provision it has been alleged by the concerned workman that he has been paid Ex. Grade-B since February, 1982. Accordingly he filed a petition before the management on 21-2-90 Bhowra North O.C.P. regarding his payment of his wages of Ex. Grade-A. The management did not pay any heed to his appeal. The concerned workman further submitted that in the year 1987 he passed D.P.C. and in spite of his success in the D.P.C. examination the management did not consider his case. Accordingly the concerned workman has raised an industrial dispute which resulted reference to this Tribunal. Accordingly the concerned workman has prayed for passing necessary Award holding that the action of the management in not regularising him in Excavation Technical Grade-A and not paying difference of wages in Technical Gr.-A was illegal and unjustified. He also prayed for regularisation of his service in Excavation Grade-A and payment of difference of wages of Technical Grade-A from the date of his appointment.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted in his W.S. The management submitted that the conditions of service of a workman are governed by the Certified Standing Order as well as by NCWA and JBCCI circular. There is no rule relating to regularisation of a workman where there exists cadre scheme and the workman can be promoted from lower post or status to higher post or status as per cadre scheme subject to availability of vacancy. The management submitted that the Shovel Operators have been placed in Grades III, II and I as per the cadre scheme. A skilled workman with more than three years experi-

ence operating electric or diesel shovels is placed in Gr. III. He is placed in Group D and is entrusted with the duties of operating shovel with bucket capacity of less than 2 C.M.T. He should possess knowledge of operation and maintenance of the shovel both electrical and mechanical and should be capable of undertaking minor running repairs. Thus a skilled workman after gaining experience in three years in operating shovels and learning all such jobs, his suitability is judged by the D.P.C. and is placed in Grade-D as Shovel Operator Grade-III. The management further submitted that the shovel operator Grade-III is promoted to Grade-II and he is placed in Group B. The shovel operator is given two jumps from Group D to Group B as shovel operator are not placed in Group-C. A skilled workman with more than four years of experience in the operating of Electric/Diesel Shovel are promoted to Shovel Operator Grade-II from Shovel Operator Grade-III. Shovel Operator in Grade-II is promoted to the post of Shovel Operator in Grade-I subject to the condition that he is capable of operating shovels of bucket capacities in between 3.5 and 8 C.M.T. and must possess sufficient knowledge and skill in manouevring the shovel giving maximum work load and he should know the intricate of the operation of the shovel and its running repairs. The management submitted that the concerned workman was working as Shovel Operator Grade-B and in that connection he was entrusted with the duties of operating the shovels of bucket capacities in between 2 to 3.5 CMT and he was also given opportunity to learn the job of operating shovel of bucket capacities between 3.5 to 8 C.M.T. so that at the time of trade test he can pass the examination and the DPC may clear for his promotion to Grade-I in Group A. The management also submitted that at Opencast project at Bhowra there exist only one shovel of the capacity above 3.5 C.M.T. and less than 8 C.M.T. Therefore only three regular Grade-I shovel operators are required and for work during leave and sick vacancy one more Grade-I operator may be placed. In that Opencast project as many as seven grade-I shovel operator are available because of anticipated promotion and withdrawal of one shovel to another place. Thus the management is unable to provide jobs to all Grade-I shovel operators due to want of high capacity Shovels and they are deployed in shovels of lower capacity where Grade-II shovel operators can be deployed. In the face of such situation the demand of the concerned workman and others for their promotion to Grade-I and placement of group A scale is without any justification. The management further submitted that in absence of vacancies the concerned workman cannot be promoted to the post of Grade-I shovel operator in Group-A and for which there was no scope to pay higher wages for taking work of Grade-II operator in Group-B. Accordingly the management submitted that the claim of the concerned workman could not be considered. In the result, the management submitted prayer for passing Award rejecting the claim of the concerned workman.

4. The points for decision in this reference are :—

“Whether the action of the management of Bhowra OCP of M/s. BCCL in not regularising Shri Mahendra Pratap Singh Shovel Operator in Excavation Tech. A Grade and not paying

difference of wages of Tech. A Grade is justified? If not, to what relief the concerned workman is entitled and from which date?”

DECISIONS WITH REASONS

5. Considering the W.S. submitted by both sides it is clear that the concerned workman was a Shovel Operator Grade-II in Group-B. It is the contention of the concerned workman that inspite of his having sufficient experience and also inspite of passing the D.P.C. the management did not consider necessary to promote him to Grade-I in Group-A. It is the specific allegation that inspite of making representation to this effect the management did not pay any heed to this aspect. On the contrary it is the contention of the management that in the O.C.P. at Bhowra there is only post of Grade-A Shovel Operator but in spite of existence of one post they have recruited as many as 7 Grade-I operators. The management further submitted that scope of promotion to Grade-I depends on the number of vacancies exist. Disclosing this fact the management admitted that there was no vacancy in Grade-A and there was no scope on their part to give any promotion to the concerned workman in Grade-I in Group-A. It is seen from the record that the concerned workman was given sufficient opportunities to establish his own claim but in spite of giving sufficient opportunities the concerned workman did not consider necessary to adduce evidence with a view to justify his claim. Even he did not consider necessary to appear before the Tribunal. Considering the facts and circumstances of the reference in question I find no dispute to hold that the concerned workman is working as Shovel Operator Grade-II. His claim is for getting promotion as Shovel Operator Group-I in Group-A and in support of his claim he submitted in his W.S. that not only he acquired sufficient experience but also passed the D.P.C. examination. During hearing the concerned workman did not consider necessary to submit the certificate relating to his passing D.P.C. examination. It is a fact that the concerned workman by virtue of his experience is entitled to get promotion but simultaneously the claim of the management cannot be wiped out. It is the specific contention of the management that scope of promotion depends on the existing vacancy. It has been disclosed that at O.C.P. there is only one post of Shovel Operator Grade-I in Group-A. Instead of one post they have provided 7 shovel operator Grade-I in Group-A. As there is no vacancy they did not find any scope to give any promotion to the concerned workman as Shovel Operator in Grade-I and for which they are unable to pay wages at enhanced rate as per the pay scale of Grade-I though the concerned workman is working in Grade-II. There was scope on the part of the concerned workman to rebut the claim of the management but the concerned workman has failed to avail of said opportunity inspite of giving sufficient opportunities. As such at this stage I find it difficult to ignore the claim of the management relating to filling up of vacancies and giving promotion to the concerned workman. In the circumstances the concerned workman is not entitled to get any relief according to his prayer. In the result, the following Award is rendered :—

“The action of the management of Bhowra OCP of M/s. BCCL in not regularising Shri

Mahendra Pratap Singh, Shovel Operator in Excavation Tech. 'A' Grade and not paying difference of wages of Tech. 'A' Grade is justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 21 सितम्बर, 2001

का.आ. 2867:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी. सी. एल. के प्रबंधन के संबंध में निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-II), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-9-2001 को प्राप्त हुआ था ।

[स. एल-20012/214/92-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 21st September, 2001

S.O. 2867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. II), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 21-9-2001.

[No. L-20012/214/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 115 of 1993

PARTIES :

Employers in relation to the management of Bhowra (S) Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, Dhanbad, the 12th September, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(214)/92-I.R. (Coal-I), dated, the 21/26-7-1993 :

SCHEDULE

"Whether the action of the Management of Bhowra (N) Colliery under Bhowra Area of M/s. B.C.C.L. in not providing employment to Shri A. Bhandary a non-working miner sirdar is justified? If not, to what relief the workman is entitled?"

2. The case of the concerned workman as per his W.S. in brief is as follows :—

The concerned workman in the W.S. submitted that prior to the nationalisation of the collieries Miner Sirdari Commission system prevailed in the coal field. Under the system the Miner Sirdars who recruited miners were paid commission and quarter bonus on the basis of the number of tubs raised by them. After nationalisation of the colliery the management in discussion with the representative of the trade union in the Central Consultative Committee meeting held on 20-12-1975 took a policy decision for abolition of the payment of Sirdari Commission to the non-working mining sirdars after providing them with suitable employment because as per decision of the Hon'ble Supreme Court Miner Sirdars have been held to be the workmen under the I.D. Act. The workman side further submitted that under this policy decision many non-working Miner Sirdar who were found to have been receiving commission between 1973 to 1976 were taken into employment. It has been alleged that in spite of the requisite qualification the management did not consider necessary to provide employment to the concerned workman. Even the management refused to pay any commission for non-working Mining Sirdar. Accordingly the concerned workman/union raised an industrial dispute before the ALC(C) which resulted reference to this Tribunal for adjudication.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the concerned workman/union asserted in the W.S. It has been submitted by the management that vide letter dated 10/11-3-91, Dy. C.M.E., Bhowra informed the ALC(C) to the effect that the management had abolished the system of payment of commission to non-working Miner Sirdar and also such cases were settled long back in the year 1975-76 on merit. The management further submitted that the concerned workman A. Bhandari also raised the same dispute which ended in failure. Accordingly the management further submitted that the concerned workman has made a fabricated claim to get his relief illegally. The management submitted that as payment of such commission to non-working Miner/Sirdar has already been abolished the concerned workman is not entitled to get any relief. Accordingly the management have prayed for passing necessary Award rejecting the prayer of the concerned workman/union.

4. The points for decision in this reference are :—

“Whether the action of the management of Bhowra (S) Colliery under Bhowra Area of M/s. B.C.C.L. in not providing employment to Shri A. Bhandari a non-working miner sirdar is justified? If not, to what relief the workman is entitled?”

DECISIONS WITH REASONS

5. It is the specific claim of the concerned workman/union that prior to nationalisation of the colliery Miner/Sirdari commission system was prevalent in the coal industry. After nationalisation of the colliery the same practice prevailed. However, the concerned workman submitted that over this issue a Central Consultative Committee meeting was held on 20-12-75 in presence of the representative of different trade unions and in the said meeting a policy decision was taken for abolition of the Sirdari Commission to the non-working Miner Sirdar after providing them with suitable employment. It is the specific allegation of the concerned workman/union that the concerned workman was a Miner/Sirdar prior to nationalisation of the colliery and he used to receive commission as per system. After nationalisation of the collieries and also after taking decision by the Consultative Committee of the trade unions the management did not provide any job to the concerned workman and for which he is very much entitled to get commission as providing employment was a pre-condition of abolition of that commission as per decision taken by the said committee. The management on the contrary denying the claim of the concerned workman submitted that the payment of commission to non-working miner sirdar had already been abolished in view of the decision taken by the Central Consultative Committee. As a result of which the concerned workman is not entitled to get any commission which he has claimed. Considering the submission of the union and also of the management it is clear that as per decision taken by the Central Consultative Committee payment of commission to the non-working miner sirdar has already been abolished. Naturally any such miner sirdar is debarred from claiming any commission but the concerned workman submitted that such abolition of commission was conditional order and there was a pre-condition that before stopping payment of any such commission employment should be given to the Miner Sirdar. In course of hearing the concerned workman has failed to produce any such document to show that abolition of payment of commission was a conditional order. No evidence is also forthcoming before the Tribunal to the effect that prior to taking of the said decision, by the Consultative Committee the concerned workman used to receive commission regularly from the management. It is seen that the concerned workman in spite of getting ample opportunity did not consider necessary to establish his own claim. It is the claim of the management that no such condition was given as per decision of the Central Consultative Committee. Therefore, the claim made by the concerned workman is vague and vaxious and for which he is not entitled to get any relief. I have considered all the papers available on record and considering the record I do not find any material evidence relying on which the claim of the concerned workman could be substantiated. In the circumstances, I

consider no merit in the prayer of the concerned workman. In the result, the following Award is rendered :—

“The action of the management of Bhowra (S) Colliery under Bhowra Area of M/s. B.C.C.L. in not providing employment to Shri A. Bhandari a non-working miner sirdar is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 21 सितम्बर, 2001

का.आ. 2868:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी.सी.सी.एल. के प्रबंधन के संबंध में निषिद्ध औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं०-II), धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-09-2001 को प्राप्त हुआ था।

[सं. एल-20012/414/95-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st September, 2001

S.O. 2868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 21-9-2001.

[No. L-20012/414/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947. Reference No. 6 of 1997

PARTIES :

Employers in relation to the management of Kusunda Area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workman : Shri B. N. Singh, General Secretary, National Coal Workers Congress.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Jharkhand. INDUSTRY : Coal.

Dated, Dhanbad, the 11th September, 2001

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/414/95-I.R. (C-I), dated, the 2nd January, 1997.

SCHEDULE

"Whether the demand by the Union for payment of wages by the management to Smt. Dulia Kamin for the period from January, 1978 to 25-1-1992 during which she was not allowed to work as an investigation was pending against her is legal and justified. If so, to what relief is the workman entitled?"

2. The case of the concerned workman as per his W.S. in brief is as follows :—

It has been submitted by the concerned workman that he was an employee under the management and worked till the fog end of 1977. Thereafter the management without assigning any reason stopped her from work and for which she referred the matter to the Deputy Commissioner, Dhanbad for re-conciliation. The Dy. Commissioner, Dhanbad after hearing both sides recommended to the management for her re-employment with all back wages since 1977. It has been alleged by the concerned workman that inspite of her reinstatement by the management as per the recommendation of the Deputy Commissioner, Dhanbad the management refused to pay her any back wages since January, 1978 to 25-1-92. Accordingly the concerned workman has raised an industrial dispute before the ALC(C), Dhanbad which resulted reference to this reference. The concerned workman in her written statement has prayed for passing an Award directing the management to pay all her back wages with effect from January, 1978 till 25-1-92.

3. The management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegation which the concerned workman asserted her W.S. It has been submitted by the management that the management provided employment to the concerned workman with effect from 25-1-92 as casual wagon loader. Neither her continuity in service was given nor she was reinstated in her employment treating her as permanent worker from the date she worked as delisted, enlisted casual wagon loader. The management submitted that whenever a workman is dismissed/discharged or terminated from his/her service he/she may be reinstated with full back wages or without back wages maintaining continuity of service if the status of that workman is permanent. In case of delisted/unlisted workman he/she is merely employed as casual worker from the date of employment. As in the instant case there was no scope for reinstatement which claim the concerned workman has placed in his/her W.S. having no basis at all and for which she is not entitled to get any back wages. Accordingly the management has prayed to reject the claim of the concerned workman.

4. The points for decision in this reference are :—

"Whether the demand by the Union for payment of wages by the management to Smt. Dulia

Kamin for the period from January, 1978 to 25-1-1992 during which she was not allowed to work as an investigation was pending against her, is legal and justified. If so, to what relief is the workman entitled?"

DECISIONS WITH REASONS

5. It is the specific claim of the concerned workman that she was a permanent workman under the management and she was stopped from work without any reason during later part of 1977. Thereafter she made several representation to the management for her reinstatement in service but the management did not pay any head to her appeal. As such the concerned workman referred the matter before the Dy. Commissioner, Dhanbad for re-conciliation. It has been disclosed by the concerned workman that as per recommendation of the D.C., Dhanbad the management reinstated her with effect from 25-1-92. It has been alleged that though in the said recommendation the D.C. Dhanbad directed the management to pay all back wages but the management did not pay any such back wages to her from January, 1978 to 25-1-1992. It is the contention of the management that the concerned workman was delisted/unlisted casual worker and for which she was not at all entitled to get any back wages. Disclosing this fact the management further submitted that the question of back wages only could be considered in case of dismissal/termination of any permanent workman. As the concerned workman was a delisted/unlisted casual worker there was no scope to consider her such appeal. In course of hearing onus absolutely lies on the concerned workman to establish that she was a permanent wagon loader under the management. But inspite of getting several opportunities the concerned workman did not adduce any evidence. Ultimately on the last day of hearing learned Advocate/representative submitted that the concerned workman has expired for which he did not find any scope to place her claim. There is no prayer for substitution of the legal heir of the concerned workman. As such in the midst of such situation this Tribunal did not find any scope to dispose of the issue in question. As the concerned workman is no more in the world and has no legal heir of the concerned workman being substituted to establish the claim in question, I consider that there is no scope to proceed with the reference in issue. Now it should be considered that no dispute stands in between the parties. An Award is passed accordingly.

B. BISWAS, Presiding Officer

नई दिल्ली, 25 सितम्बर, 2001

का.आ. 2869:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिवीजनल ऑफिसर, टेल्नीग्राफ् के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, बैंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-09-2001 को प्राप्त हुआ था।

[मं. एल-40012/129/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 25th September, 2001

S.O. 2869.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Bangalore, as shown in the Annexure in the industrial Dispute between the employer, in relation to the management of Sub Divisional Officer, Telegraphs and their workman, which was received by the Central Government on 25-9-2001.

[No. L-40012/129/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT "SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR
ROAD, YESHWANTHPUR, BANGALORE

Dated; 17th September, 2001

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com, LLB,
Presiding Officer.

CGIT-CUM-LABOUR COURT, Bangalore.
C.R. NO. 175/97

I PARTY

Shri Krishna D. Naik,
S/o Shri Damu K. Naik,
Doddagudda, Manki Post,
Honnawan Taluk,
Karwar Dist-581 348
(Advocate-P. Gopala Krishna).

II PARTY

The Sub Divisional Officer
Telegraphs,
Kumta-581 343
(Advocate-e-Shantaram Sawant)

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-40012/129/95-IR(DU) dated 26th August 1996 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of sub Divisional Officer, Telegraphs in terminating the service of Krishna D. Naik is legal and justified ? If not, to what relief the workman is entitled to ?"

2. The first party was working with the Second Party as Casual Mazdoor. His services were terminated therefore industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4 The case of the first party in brief is as follow :

5. It is contended by the first party that he joined the services of the Second Party w.e.f. 1-3-1982 and was drawing salary of Rs. 1400 per month. He worked honestly and faithfully. He could not attend the office on 1-2-1993 on account of back pain and he was advised bed rest. He had sent leave application along with medical certificate. But the management did not consider his application and his services were terminated. The termination order is bad. First party for these reasons has prayed to pass award in his favour.

6. The case of the Second Party in brief is as follows:

7. The management has given the parawise reply in detail. The first party was absent from 1-2-1993. He was not interested to do the duty. He remained unauthorisedly absent without intimating the Second Party. Now the first party has filed this case but there is no merit. The management for these reasons has prayed to reject the reference.

8. It is seen from the records that on behalf of the management MW1 is examined and documents are marked. According to the evidence of MW1 the first party was working as casual labour mazdoor on Muster Roll basis. The first party was absent unauthorisedly for 1-1/2 years. Notice was sent to him to report for duty but he did not report for duty. He is cross examined but nothing is made out from his cross examination.

9. Against this, workman got examined himself and has given detailed evidence saying that he was not fit to health on account of back pain and he sent leave application with medical certificate but that was not considered. It is not correct that he is working now in a private firm.

10. During the course of cross examination the second party has said that he was working as casual labourer. No appointment order was given to him. He admits that once a notice was given by the management. Considering all this I am of the opinion that the first party was only a Casual Mazdoor and he has not proved that he is eligible for reinstatement. There is no evidence to prove the case the first party.

11. There is no proper evidence on behalf of first party to say that he was sick and he had sent leave application as contended by him. Considering all this I am of the opinion that there is no merit in this reference and accordingly I proceed to pass the following order:

ORDER

The reference is rejected.

(Dictated to PA transcribed by her corrected and signed by me on 17th September 2001).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2001

का.अ. 2870.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध निरोजको और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-09-2001 को प्राप्त हुआ था।

[सं. एल-40012/206/95-प्राई.अ.र. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi the 27th September. 2001

S.O. 2870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt of Telecom. and their workman which was received by the Central Government on 27-9-2001.

[No. L-40012/206/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

CASE NO. CGIT-LC/192/97

PRESIDING OFFICER, SHRI K. M. RAI

Shri Gopal Prasad Tiwari,

R/O 1196 Vansagar,

North T. T. Nagar,

Bhopal.

.. Applicant.

Versus

The General Manager,

Telecommunication Deptt.-

Bhopal

.. Non-applicant.

AWARD

Passed on this 3rd day of September. 2001

1. The Government of India, Ministry of Labour vide order No. L-40012/206/95-IRDU dated 11-7-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Telecommunication, Bhopal in terminating the services of Shri

Gopal Prasad Tiwari w.c.f. 12-5-95 is justified? If not, to what relief the workman is entitled to ?”

2. The case for the workman is that he was appointed as worker on daily wage basis by the management w.c.f. 11-11-91. He continuously worked till 12-5-95. Thereafter he was removed from service by the management without assigning any reason. Neither he was served with one month's statutory notice prior to termination of his service nor he was paid any retrenchment compensation according to the provisions of Sec. 25-F of the I.D. Act, 1947. No domestic enquiry for any misconduct was conducted against him by the management. The workers who have worked less than 240 days in a calendar year have been retained in service by the management. The workman is without employment since the date of his termination. The order of termination passed by the management is illegal and deserves to be quashed. He is entitled to reinstatement with all back wages and other consequential benefits.

3. The case for the management is that the workman was never employed by the management. He was not engaged for any continuous work. He was engaged as a casual worker only for short duration from time to time as and when required for casual nature of work. The workman is guilty of manipulation and in unauthorised possession of Government documents which is not supposed to be in his possession. On verification, it was found that the vouchers relating to payment made to another casual worker from Bhopal have also been included by the workman to show the continuity of work in the department. The workman altered the name of Ramgopal into Gopal Tiwari in conveyance of Ramgopal in his voucher to claim the continuity of work. In this way the workman has tampered with the official records which amounts to serious misconduct. He never continuously worked for more than 240 days in a calendar year as claimed by him. The management has not committed any error in terminating the services of the workman. The management was not required to hold any DE against the workman. The provisions of Sec. 25F of the I.D. Act have not been violated by the management in any manner. The workman is not entitled to reinstatement with back wages as claimed by him.

4. The management further alleges that the workman had filed the petition before the

CAT, Jabalpur for granting temporary status and regularisation in the department of telecommunication. The CAT, Jabalpur passed his order directing the General Manager, Telecommunication, Distt. Bhopal to hold an enquiry into the matter by a Senior Officer where the workman is the same person and subsequently to find out as to how he had managed to obtain the copy of the order book and who were the persons who were responsible to give him the copy. In compliance of this order, an enquiry was conducted by the C.A.O. of the GM, Telecommunication Bhopal. The Enquiry Officer, after conducting the enquiry held that the workman along with other workers in receiving his wages for the period during which he was engaged, fraudulently obtained payment of wages of Shri Ramgopal. In this way he tampered with the payment voucher of the wages of Shri Ramgopal. During the enquiry, it was found that the workman Gopal Tiwari and Ramgopal were different persons engaged as casual workers on different occasions. In view of this enquiry, the workman was not found to be appointed as a regular worker in the department. The workman subsequently filed an other petition also before the CAT, Jabalpur. The said tribunal passed the final order on 15-7-98 that in an enquiry it is found that the applicant is the same person, then the Department is free to consider his case. In enquiry, it was not found that the workman was same person and therefore he was not found fit for regularisation in the department. In view of all these facts the workman is not entitled to any relief as claimed by him.

5. The following issues arise for decision in this case :—

1. Whether the enquiry conducted by the management as per the order of the CAT, Jabalpur is just and proper ?
2. Whether the workman is entitled to reinstatement with back wages ?
3. Relief and costs ?

6. Issue No. 1.—The management witness Shri D.C. Upadhyay has stated in para-3 of his statement that he is not aware of the fact as to whether the enquiry was conducted in the presence of the workman or not. There is no evidence of the management to show that at the time of enquiry the workman was present and he had participated in the same. In such a circumstance, it is not possible to hold that as per order of Central Administrative Tribunal, Jabalpur dated 1-11-96 to 15-7-98, enquiry

was conducted by the management. It was the duty of the management to hold enquiry in the presence of the workman to find out as to whether the present workman was the proper person or not. If any enquiry was conducted in the absence of the workman then it will not be just and proper. It is therefore held that no proper enquiry was conducted by the management as per order of the CAT, Jabalpur dated 1-11-96 to 15-7-98 to find out the identity of the workman. Issue No. 1 is answered accordingly.

7. Issue No. 2.—The management has failed to hold enquiry in accordance with the order of the CAT, Jabalpur dated 1-11-96 and 15-7-98. Without holding the proper enquiry, it cannot be held that the workman is not the proper person who was employed by the management. In such a circumstance, the order of dismissal passed by the management against the workman is absolutely unjust and not proper which deserves to be quashed.

8. The learned counsel for the workman submitted during the course of his argument that the workman does not press his claim for back wages. He prayed that the workman be reinstated without back wages. In view of this submission, it appears to be just and proper that the workman be reinstated without back wages. It is therefore held that the workman is entitled to reinstatement without back wages. This issue is answered accordingly.

9. Issue No. 3 :—On the reasons stated above, it is held that the order of dismissal passed by the management against the workman is illegal and it is therefore quashed. The workman be reinstated without back wages within a period of 3 months from the date of award. His absence from duty shall be treated as continuous service only for pensionary benefits. Parties shall bear their own costs.

10. Copy of the award be sent to the Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2001

का.आ. 2871.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध नियोजकों और उनके दर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था ।

[सं. एल-40012/50/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2871.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Jodhpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 27-9-2001.

[No. L-40012/50/99-I.R.(DU)]
KULDIP RAI VERMA, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय
जोधपुर।

पीठासीन अधिकारी :—श्री राजेन्द्र कुमार आचाणु आर. एन. जे. एस. औ. वि. (केन्द्रीय) सं. : 10/99
श्री अशोक चौहान पुत्र श्री रामनारायण चौहान, जानि माली निवासी जूनी बागमर महामन्दिर, जोधपुर।

—प्रार्थी

बनाम

1. सब डिवीजन अधिकारी (फोन), जोधपुर वर्तमान कार्यालय उपमण्डल सहायक अभियन्ता ट्रंकम सरदारपुरा, जोधपुर।
2. टेलीफोन जिला मैनेजर (टी. डी. एम.) दूर संचार विभाग, शास्त्रीनगर, जोधपुर।

—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी की ओर से श्री जिनेन्द्र गहलोत प्रतिनिधी
- (2) अप्रार्थी की ओर से श्री किशन सिंह नाहर प्रतिनिधी

अधिनियंत्रण

दिनांक 29-8-2001

श्रम मंत्रालय, भारत सरकार ने अपनी अधिसूचना क्रमांक एन. 40012/50/99/आई आर. (डी यू) दिनांक 26-7-1999 से निम्न विषय वास्ते अधिनियंत्रण इस न्यायालय को प्रेषित किया गया है :—

“Whether the action of Sub-Divisional Engineer (P) Jodhpur in terminating the service of Sh. Ashok Chouhan S/o Sh. Ramnarain, Ex. Casual Labour is legal and justified? If not, to what relief the workman is entitled?”

प्रार्थी ने अपना मांगपत्र प्रस्तुत करते हुए अभिकथित किया है कि प्रार्थी की नियुक्ति अप्रार्थी के यहां मई 1981 में कॅजुअल लेबर के रूप में मौखिक आदेश से हुई, प्रार्थी का

कार्य तकनीशियन के साथ उसको सामान झिलाना, टेलीफोन रिपैरिंग का सामान, कोड, फीज तार खींचना आदि था, प्रार्थी को 30/- रुपये प्रतिदिन दिये जाते थे, प्रार्थी ने अप्रार्थी के यहां जून 1984 तक लगातार कार्य किया, प्रार्थी की सेवाएं नियुक्ति तिथि से जून 1984 तक निरन्तर व सन्तोषजनक रही तथा जून 1984 में मौखिक आदेश से प्रार्थी को सेवा से बिना किसी कारण के बिना किसी नोटिस व छंटनी मुआवजा के सेवामुक्त करने दिया, प्रार्थी सेवा समाप्ति से पूर्व के एक वर्ष में लगातार 240 दिनों से अधिक का कार्य कर लिया था। यह भी कहा है कि सेवा समाप्ति से पूर्व बरिष्ठता सूचि भी नहीं बनाई तथा उसे सेवामुक्त करने के बाद श्री शेरसिंह पुत्र पन्नेसिंह, प्रकाशमाल को सेवा में लिया तथा वे आज भी कार्यरत हैं। इस प्रकार अप्रार्थी ने प्रार्थी की सेवा समाप्ति में धारा 25-एफ, 25-एच के प्रावधानों का उल्लंघन किया है। यह भी कहा कि शेरसिंह को अप्रार्थी ने जुलाई 1981 में नियुक्त किया तथा उसे मार्च 1984 में बर्खास्त कर दिया, प्रार्थी ने सेवा समाप्ति के बाद अप्रार्थी से कई बार पुनः सेवा में लेने का निवेदन किया लेकिन उसे आज तक सेवा में नहीं लिया। अन्त में प्रार्थना की है कि प्रार्थी को सेवा की निरन्तरता में पूर्ण पूर्ण भूति सहित सेवा में पुनर्स्थापित किया जावे।

अप्रार्थी की ओर से मांग पत्र का जवाब प्रस्तुत करते हुए कहा गया है कि प्रार्थी अप्रार्थी विभाग में तकनीकी स्टाफ के साथ हैल्पर के रूप में सहायता के लिए दैनिक वेतन भोगी के पद पर नियुक्त किया गया था, प्रार्थी मई 1981 में नियुक्त किया गया, लेकिन प्रार्थी 8/81 से 3/82 व 7/82 से 4/83 तक अपनी ड्यूटी से स्वेच्छा से अनुपस्थित रहा, प्रार्थी अपनी इच्छा से 6/84 में कार्य छोड़कर चला गया, प्रार्थी किसी प्रकार के नोटिस, वेतन व छंटनी मुआवजा का हकदार नहीं है, प्रार्थी ने मई 1981 से जून 1984 तक निरन्तर कार्य नहीं किया। जवाब में यह भी कहा है कि प्रार्थी वर्ष 1981 में 92 दिन व अगस्त 1981 से मार्च 1982 तक की अवधि में 85 दिन, जुलाई 1982 से अप्रैल 1983 तक 199 दिन, उपस्थित रहा व जनवरी 1984 से जून 1984 की अवधि में कुल 158 दिन उपस्थित रहा, इस प्रकार प्रार्थी ने कार्य छोड़ने से पहले के एक कलेण्डर वर्ष में लगातार 240 दिन कार्य नहीं किया शेरसिंह पुत्र पन्नेसिंह अप्रार्थी विभाग में माह जुलाई 1981 से लगातार दैनिक वेतन भोगी मजदूर पर कार्य करता रहा तथा उसने एक कलेण्डर वर्ष में 240 दिन में अधिक कार्य कर लिया, इसी प्रकार प्रकाशमाल ने भी एक कलेण्डर वर्ष में 240 दिन से अधिक कार्य किया। प्रार्थी स्वेच्छा से कार्य छोड़कर चला गया व उसने 14 वर्ष के अन्तराल के बाद सेवा में पुनः लिये जाने का मामला उठाया है। यह भी कहा है कि प्रार्थी स्वेच्छा से कार्य छोड़कर जाने के बाद कभी भी अप्रार्थी से पुनः सेवा में लेने हेतु नहीं मिला न ही निवेदन किया। अन्त में जवाब के माध्यम से निवेदन किया है कि प्रार्थी का मांग पत्र सव्यय खारिज किया जावे।

प्राथी ने अपने शपथ-पत्र की तारीख में स्वयं का शपथ-पत्र प्रस्तुत किया जिस पर अप्राथी द्वारा जिरह की गई तथा अप्राथी की ओर से श्री आर. सी. शर्मा का शपथ-पत्र प्रस्तुत किया गया जिस पर प्राथी प्रतिनिधि द्वारा जिरह की गई। दोनों पक्षों की ओर से कोई दस्तावेजी साक्ष्य प्रस्तुत नहीं की गई है।

मैंने दोनों पक्षों के विद्वान प्रतिनिधियों की बहस सुनी, पत्रावली का अवलोकन किया।

इस प्रकरण में विचारणीय प्रश्न यह है कि क्या प्राथी ने एक कलेण्डर वर्ष में अथवा सेवा समाप्ति से पूर्व के एक वर्ष में लगातार 240 दिन कार्य कर लिया था अथवा नहीं और यदि हाँ तो अप्राथी द्वारा सेवा समाप्ति से पूर्व औ. वि. अधिनियम की धारा 25-एफ की पालना की गई अथवा नहीं।

इस संबंध में पत्रावली पर जो पक्षकारों की मौखिक साक्ष्य आई है उसका मैं विवेचन करना उचित समझता हूँ।

प्राथी ने अपने शपथ-पत्र की जिरह में कहा है कि यह कहना गलत है कि जून 1984 में मैं स्वेच्छा से कार्य छोड़कर गया था परन्तु मुझे नौकरी से निकाला गया था, विभाग ने मौखिक आदेश से नौकरी से निकाला था, जून 1984 के बाद मैं बहुत बार नौकरी के लिए गया, लिखित में नहीं दिया, जनवरी से जून 1984 तक 188 दिन कार्य किया यह सही है, मई 1981 से जुलाई 1981 में 92 दिन कार्य किया, सन् 1982 में कितने दिन कार्य किया नहीं बता सकता नियमित कार्य कर रहा हूँ शेरसिंह, प्रकाशमाल मेरे बाद में नौकरी में लगे थे पहिले नहीं लगे।

विपक्षी के गवाह आर. सी. शर्मा ने अपने शपथ-पत्र की जिरह में कहा है कि अप्राथी को मई 1981 में नौकरी में रखा था, इसने 18-6-84 तक निरन्तर कार्य नहीं किया। शपथ-पत्र के पेज नं. 3 पर दिनों की गणना सही नहीं है, सेवा से पूर्व 319 दिन कार्य किया हो, प्राथी के नौकरी के बाव में शेरसिंह प्रकाशमाल रखे हैं जिन्हें नियमानुसार रखा है, प्राथी को नौकरी से छोड़कर जाने—पुनः इयूटी पर लेने के लिए नोटिस नहीं दिया, हाजरी वेतन रजिस्टर इस तरह के लिए रखा था, हमने रिकार्ड पेश नहीं किया, चूंकि श्रमिक का रखा था, हमने रिकार्ड पेश नहीं किया, चूंकि हमारे से मांगा नहीं है। यह कहना गलत है कि नौकरी के बाद से दो साल तक कहना रहा हो, इसने कोई लिखकर दिया तो पत्रावली पर नहीं है, मेरे समय में प्राथी न कार्य नहीं किया, मैंने नौकरी में न रखा न ही निकाला न हो रिकार्ड में दर्ज है।

जैसा कि विपक्षी के गवाह ने साक्ष्य में स्वीकार किया है कि शपथ-पत्र के पेज नं. 3 पर जो दिनों की गणना की गई है वह सही नहीं है। वास्तव में शपथ-पत्र के पेज नं. 3 पर जो विपक्षी ने प्राथी के कार्य दिवस बताये हैं उसके अनुसार जून 1984 से पिछले एक वर्ष की गणना की जावे तो जून 1984 से जुलाई 1983 के प्राथी के कुल कार्य दिवस 319 होते हैं जो स्वयं अप्राथी के जवाब से सिद्ध

है। इस प्रकार प्राथी का सेवा पृथक्ता से पूर्व के एक वर्ष में अप्राथी के अधीन लगातार 240 दिवसों से अधिक कार्यरत रहना प्रमाणित होता है।

इस प्रकरण में दूसरा प्रश्न यह विचारणीय है कि क्या प्राथी स्वेच्छा से कार्य छोड़कर गया अथवा अप्राथी ने प्राथी की सेवाएं समाप्त की। इस संबंध में प्राथी अपने साक्ष्य में कहता है कि उसे नौकरी से हटाया गया उसने स्वेच्छा से नौकरी नहीं छोड़ी जब कि विपक्षी का गवाह कहता है कि प्राथी को नौकरी के बाद में छोड़कर जाने पर पुनः इयूटी पर लेने का नोटिस नहीं दिया, विपक्षी का गवाह अपने शपथ-पत्र में अवश्य कहता है कि प्राथी स्वतः कार्य छोड़कर चला गया। विपक्षी का गवाह यह भी कहता है कि हाजरी वेतन रजिस्टर इस तरह के श्रमिक का रखा था, लेकिन विपक्षी ने ऐसा कोई रिकार्ड पेश नहीं किया है। यदि वास्तव में प्राथी स्वेच्छा से सेवा छोड़कर जाता तो निश्चित रूप से विपक्षी द्वारा उसे पुनः सेवा पर आने का नोटिस दिया जाना चाहिये था अथवा हाजरी रजिस्टर में स्वेच्छा से सेवा छोड़ने का इन्द्राज किया जाना चाहिये था, लेकिन अप्राथी की तरफ से उक्त दायित्वों का निर्वहन नहीं किया गया। विपक्षी अपनी सक्षम साक्ष्य से यह सिद्ध नहीं कर पाया है कि प्राथी स्वेच्छा से नौकरी छोड़कर चला गया। अतः यही प्रमाणित माना जाता है कि अप्राथी ने धारा 25-एफ औ. वि. अधिनियम के प्रावधानों का उल्लंघन करते हुए प्राथी को सेवा से पृथक् किया।

प्राथी के विद्वान प्रतिनिधि ने तर्क दिया है कि प्राथी की सेवाएं धारा 25-एफ का उल्लंघन करते हुए समाप्त की गई है अतः प्राथी को सेवा में सम्पूर्ण अवधि के वेतन व लाभ सहित पुनर्स्थापित किया जाना चाहिये। जबकि विपक्षी के विद्वान प्रतिनिधि ने तर्क दिया कि प्राथी मात्र हैल्पर अकुशल दैनिक वेतन भोगी श्रमिक था जिसे विधिनुसार न्यूनतम दैनिक वेतन दिया जाता था अतः अब प्राथी को सेवा में पुनर्स्थापित नहीं किया जाना चाहिये। मैंने तर्कों पर मनन किया। यह सही है कि प्राथी मात्र एक दैनिक वेतन भोगी अकुशल मजदूर था तथा उसने सेवा समाप्ति के लगभग 14 वर्ष पश्चात् सर्वप्रथम सहायक आयुक्त (केन्द्रीय) अजमेर के समक्ष अपना मामला उठाया जिससे भी यह जाहिर होता है कि प्राथी अप्राथी के यहां सेवा करने में रुचि नहीं रखता था तथा अब प्राथी की सेवा समाप्त किये हुए 17 वर्ष की अवधि होने जा रही है अब यदि प्राथी को सेवा में पुनर्स्थापित किया जाता है तो इसका संभावना से इंकार नहीं किया जा सकता कि प्राथी ने उक्त सतरह वर्ष की अवधि में किसी भी कार्य में जो योग्यता व अनुभव प्राप्त किया है उसकी पुनर्स्थापन करने पर कोई विशेष उपयोगिता नहीं रह जायेगी तथा इस सब के बाद भी प्राथी अकुशल दैनिक वेतन भोगी श्रमिक ही रहेगा। धारा 25-एफ औ. वि. अधिनियम के उल्लंघन के प्रत्येक मामलों में यह आवश्यक नहीं है कि सेवा में पुनर्स्थापित ही किया जावे, उपर्युक्त मामलों में उपर्युक्त तथ्यों व परिस्थितियों के

अनुसार पुनर्स्थापन से भिन्न अनुतोष भी प्रदान किया जा सकता है जिसमें एकमुश्त राशि बतौर अतिपूर्ति दिलाया जाना भी एक उचित अनुतोष होता है। अतः मेरी राय में उल्लेखित तमाम कारणों से प्रार्थी को धारा 25-एफ का उल्लंघन करने के कारण उसकी सेवाएं समाप्त करने के परिणामस्वरूप उसे अप्रार्थी संस्थान में दैनिक वेतन भोगी अकुशल श्रमिक के रूप में पुनर्स्थापित करने के बजाय अतिपूर्ति की एक मुश्त राशि दिलाया जाना अधिक उचित प्रतीत होता है।

एकमुश्त राशि निर्धारण में कई तथ्य सहायक होते हैं जैसे की गई सेवा की अवधि, कार्य व नियोजन की प्रकृति, वेतन या पारिश्रमिक की राशि यदि प्रार्थी को सेवा में पुनर्स्थापित किया जाता तो उसे रेफरेंस की तिथि से अब तक की अवधि की 25 प्रतिशत पूर्वभूति की राशि आदि विभिन्न तथ्यों को देखते हुए मैं प्रार्थी को सेवा में पुनर्स्थापन के बजाए एक मुश्त 25,000/- रुपये की राशि ही दिलाया जाना उचित समझता हूँ।

अधिनियम

अतः यह अधिनियमित किया जाता है कि सब डिजीनल इंजीनियर (फोन्स) जोधपुर द्वारा प्रार्थी अशोक चौहान पुत्र श्री रामनारायण को सेवा से पृथक् करना अनुचित एवं अवैधानिक है। प्रकरण के तमाम तथ्यों एवं परिस्थितियों को देखते हुए प्रार्थी को सेवा में पुनर्स्थापित करने के बजाय एक मुश्त 25,000/- (पच्चीस हजार रुपये) अप्रार्थी नियोजक से प्राप्त करने का अधिकारी घोषित किया जाता है। अप्रार्थी नियोजक द्वारा प्रार्थी को 25,000/- (पच्चीस हजार रुपये) की एक मुश्त राशि अदा कर दिये जाने पर अप्रार्थी नियोजक के प्रार्थी के प्रति बतौर श्रमिक सारे दायित्व समाप्त हो जायेंगे। इसके अतिरिक्त प्रार्थी अन्य कोई अनुतोष अप्रार्थी नियोजक से प्राप्त करने का अधिकारी नहीं है।

इस अधिनियम को प्रकाशनार्थ श्रम मंत्रालय, भारत सरकार, नई दिल्ली को प्रेषित किया जाये।

यह अधिनियम आज दिनांक 29-8-2001 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

राजेन्द्र कुमार चाचाण, न्यायाधीश

नई दिल्ली, 27 सितम्बर, 2001

का.आ. 2872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्डिनंस फौट्री के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था।

[सं.एल-14011/1/94-आई.आर. (डो.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2872.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ordnance Factory and their workman, which was received by the Central Government on 27-9-2001.

[No. L-14011/1/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/25/96

Presiding Officer : Shri K. M. Rai.
Mohd. Akhtar,
through General Secretary,
Ordnance Factory,
Khamaria Workers' Union,
4817, Type-I, Khamaria,
Jabalpur.

.. Non-applicant.

Versus

The General Manager,
Ordnance Factory,
Khamaria, Jabalpur.

... Non-applicant.

AWARD

Passed on this 17th day of September, 2001

1. The Govnenment of India, Ministry of Labour vide order No. L-14011/1/94/IRDU dated 16-1-96 has referred the following dispute for adjudication by this tirbunal :—

"Whether the action of the management of Ordnance Factory, Jabalpur in imposing the punishment of stoppage of increment and promotion with immediate effect vide order dated 22-1-92 on Mohd. Akbar, Motor driver Grade I is justified or not? If not, to what relief he is entitled for?"

2. The case for the workman is that he has served in the Ordnance-Factory, Khamaria for about 31 years. He had an unblemished service record. He was Joint Secretary of the Trade Union at the relevant time. Being an office bearer of the Trade Union, he is bound to put up the gievances of the workman before the management for redress. By this Union activity, the management was annoyed with him. The management was looking for an opportunity to victimise him for no reasons. During the tenure of Shri Natarajan as General Manager, the Trade Union have raised several demands before him and therefore he was much annoyed with the workman. On 4-3-91, he was working as ambulance driver. On that day, he was on duty at East Land Hospital. On that very day, he was given vehicle No. MIJ-3118 for driving. After getting the vehicle he was deputed to factory dispensary by

the DMO at about 8.40 A.M. The movement of the vehicle was recorded in the log book being maintained by the drivers and countersigned by his controlling officer. On 9-3-91, the Works Manager Shri Virendra Singh issued a false memo alleging therein that on 4-3-91 at about 9.30 A.M. he had abused his foreman Shri K. K. Sikdu with filthy language at the time all other drivers were protesting in front of allocation room. He was asked to submit his reply to the memo. He denied all the allegations of the management in the reply. On his demand the relevant documents were not supplied to him.

3. The workman further alleges that the following charges were framed against him—

1. Missing from place of duty.
2. Unauthorised entry in MT Section.
3. Unauthorised assembly in front of MT allocation room.

4. Use of abusive language.—After receiving the memo charges he submitted an application on 27-2-91 denying the charges levelled against him. He also demanded the relevant documents relied on by the management but the documents were not supplied to him. He was not given opportunity to inspect the relevant documents to defend his case properly. The management had refused to conduct enquiry under rule-16. Ultimately the management imposed the penalty of withholding two increments without cumulative effect on the workman vide order dated 22-7-92. He preferred an appeal against this order. The appellate authority did not consider his plea and passed final order. The action of the management in imposing the punishment is without any base and against the principles of natural justice. This order therefore deserves to be quashed. There is nothing on the record to impose the penalty of withholding two increments with cumulative effect. This order of the management is bad in law and deserves to be set aside.

5. The case for the management is that on 4-3-91, the workman was deputed on his duty at East Land Hospital, Khamaria from 7-30 A.M. to 5.30 P.M. On that day, without obtaining the permission from the competent authority, the workman entered in the M.T. section inside the factory at about 8.05 A.M. At that time he remained without his ambulance motor car inside the factory. Later on the same day, he entered in the factory with his ambulance motor car at about 8.40 A.M. In this way for about 35 minutes he remained absent from his duty without any permission on 4-3-91. On that day at 8.05 A.M. he joined the other workers who had assembled unauthorisedly in the premises of M.T. section and hurled abusive language to the foreman Shri R. K. Sikdar. This act of the workman amounts to serious misconduct. The chargesheet was served on the workman who submitted his reply denying the entire charges. His defence was that he had entered the factory premises to fill diesel in his vehicle which was not found satisfactory. The Disciplinary Authority after carefully examining the reply of the workman imposed the penalty of withholding two increments without cumulative effect w.e.f. 22-7-92. This penalty amounts to minor penalty. The workman preferred an appeal

against this order. The appellate authority also dismissed his appeal vide order dated 25-1-93. The imposition of penalty of withholding two increments of the workman is absolutely just and proper and it does not require any interference. The workman is not entitled to any relief as claimed by him.

5. The following issues arise for decision in this case and my findings thereon are noted hereinafter:—

1. Whether the DE conducted against the workman by the management is just and proper?
2. Whether the imposition of punishment withholding two increments without cumulative effect vide order dated 22-7-92 is just and proper?
3. Relief and costs?

6. Issue No. 1.—It has been admitted by the management witness Shri S. P. Lal that he had not conducted the DE against the workman. He has also admitted that no DE was conducted against the workman. It appears that no DE was conducted against the workman and therefore the validity of DE does not require to be considered at all. This issue is answered accordingly.

7. Issue No. 2.—During the course of arguments, the learned counsel for the workman submitted that the lesser penalty shall meet the ends of justice in the present case as the workman has served the management for a considerable period of time and he was an active member of the trade Union. Taking this fact into consideration, the order of punishment be set aside and the lesser punishment be imposed on the workman. In view of this submission I feel that the withholding of one increment without cumulative effect shall meet the ends of justice. This issue is answered accordingly.

8. Issue No. 3.—In view of my findings given on Issue No. 2, it is held that the order of punishment is disproportionate in the circumstances of the case. The order of the management withholding two increments of the workman without cumulative effect w.e.f. 22-11-92 is set aside. It is ordered that the management shall withhold only one increment of the workman without cumulative effect in the relevant year.

9. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2001

का.आ. 2873—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने मायर्स फाउंड्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकटित करती है, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था।

[सं. एल-14012/10/97-आई.आर. (डी.यू.)]

कुसवीर राय वर्मा, ईस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2873.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Grey Iron Foundry and their workman, which was received by the Central Government on 27-9-2001.

[No. L-14012/10/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/320/97

Presiding Officer : Shri K. M. Rai.

Shri Mahesh Kumar,
Ex-Labour,
Grey Iron Foundry,
Jabalpur.

... Applicant.

Versus

Management of Grey Iron Foundry,
Jabalpur.

... Non-applicant.

AWARD

Passed on this 17th day of September, 2001

1. The Government of India, Ministry of Labour vide order No. L-14012/10/97-IR(DU) dated 15-12-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Grey Iron Foundry, Jabalpur, MP in terminating the services of Shri Mahesh Kumar w.e.f. 23-5-94 is justified? If not, what relief the workman is entitled to?”

2. The case for the workman is that he was employed in the Grey Iron Foundry at Jabalpur. In the month of September/October, 1993, he fell ill and therefore he could not attend his duty for a period of 2 months. He had undergone treatment from a Private Physician at Ranjhi, Jabalpur. He had also taken treatment from Vehicle Factory Hospital, Jabalpur. He had intimated about his illness to the management. The management issued a chargesheet dated 26-7-93 regarding his absence from duty without any intimation. He had submitted his reply dated 6-9-93. He had clearly stated in his reply that he was absent from duty on account of illness. The management accepted his reply as admission to the charges and on this basis, the punishment of removal from service was imposed on him. He preferred an appeal against the order of dismissal to the competent authority. His appeal was rejected on 4-7-95. The order of dismissal passed by the management is absolutely illegal which deserves to be quashed. No proper DE was conducted against him. He was not given ample opportunity to

defend his case properly. The management passed the order without considering his genuine reply. He is, therefore, entitled to reinstatement with back wages and other consequential benefits.

3. The case for the management is that the workman was irregular in attendance. On two occasions for his absence from duty without intimation he was punished and his one increment was withheld. He remained absent from duty without intimation with effect from 3-4-93. He was called upon by the management to report for duty vide letter dated 12-7-93 and 5-7-93 but the workman did not respond to the letter. The workman neither applied for leave on medical grounds nor he intimated the management regarding his illness. The chargesheet of misconduct was served on the workman and by his reply dated 6-9-93, he confessed his guilt and extended apology with the insurance that he would not repeat the offence in future. The medical certificate submitted by the workman was found to be improper and therefore it was not accepted as a true document by the management. The management was left with no choice but to remove him from service for his alleged misconduct. The punishment of removal from service imposed by the management is perfectly just and proper and does not require any interference. The workman is not entitled to any relief as claimed by him.

4. The following issues arise for decision in this case and my findings thereon are noted hereinafter :—

1. Whether the DE conducted by the management against the workman is just and proper?
2. Whether the management is required to lead evidence to prove the alleged misconduct of the workman?
3. Whether the punishment of removal from service imposed on the workman by the management is just and proper?
4. Whether the workman is entitled to reinstatement with back wages?
5. Relief and costs.

5. Issues No. 1 & 2.—The workman has admitted in his statement that the DE for misconduct regarding absence from duty without any intimation was conducted by the management against him. He had participated in the Enquiry proceedings and sufficient opportunity was given to him to defend his case. By this statement of the workman, it is proved that the DE was properly conducted against the workman and he had defended his case properly. It is therefore held that the DE conducted against the workman by the management is just and proper. Issue No. 1 is answered accordingly.

In view of my finding given on Issue No. 1, the management is not required to lead any evidence to prove the alleged misconduct of the workman. This issue is answered accordingly.

6. Issue No. 3.—The workman has stated that he remained absent because of illness and he had intimated the management regarding his illness. He has also stated that he had sent the medical certificate to the management in support of his application. The

management has not been able to challenge his version by adducing evidence that no such application was sent by the workman to the management. As per the statement of the workman, it appears that he remained absent on account of his illness. It does not appear that he absented himself from duty deliberately. In such a circumstance, the imposition of penalty terminating his services does not appear to be proportionate to the circumstances of the case. The lesser punishment shall meet the ends of justice in this case. In such a circumstance, I think it proper that the workman shall not be entitled to back wages as claimed by him. This issue is decided accordingly.

7. Issue No. 4.—In view of my finding given on issue No. 3, the punishment of dismissal from service has been held to be disproportionate in the circumstances of the case. The workman is therefore entitled to reinstatement without back wages. He shall not be entitled to the back wages on the principle of No work No pay.—This issue is decided accordingly.

8. Issue No. 5.—On the reasons stated above, the order of termination passed by the management against the workman is quashed. The workman shall be reinstatement without back wages. His absence from duty shall be treated as continuous service for the purpose of pensionary benefits only. The workman shall be reinstated within the period of 3 months from the date of the award.

9. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2001

का.आ. 2874.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्डनेंस फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके पदाधिकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था।

[सं. एल-14012/14/92-आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ordnance Factory and their workman, which was received by the Central Government on 27-9-2001.

[No. L-14012/14/92-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/27/93

Presiding Officer : Shri K. M. Rai.

Shri S. C. Sharma,
Examiner Grade-II,
House No. 81/1,
Gram : Karaundi,
Post Ranjhi,
Jabalpur.

Applicant.

Versus

The General Manager,
Ordnance Factory, Khamaria,
Jabalpur.

Non-applicant.

AWARD

Passed on this 17th day of September, 2001

1. The Government of India, Ministry of Labour vide Order No. L-14012/14/92-IRDU dated 22nd January, 1993 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the management of Ordnance Factory, Khamaria in terminating the services of Shri R. C. Sharma, Examiner Grade II w.e.f. 21-5-91 is justified? If not, what relief he is entitled to?"

2. The case for the workman is that he was working in the Ordnance Factory, Khamaria as Examiner Grade II. He has a good unblemished record of service. On 10-11-89 he was served with a charge sheet stating therein that he had indulged in man-handling of factory employee and had also been doing money lending business inside the factory. He submitted his reply to the charge sheet and denied all the allegations made against him. The DE was conducted against him by the management. The disciplinary authority accepted the report of the Enquiry Officer and imposed the punishment of dismissal from service on him on 21st May, 1991. During the DE proceedings he was not supplied the relevant documents relied on by the prosecution. The copy of the enquiry report was not given to him to make his representation to the Disciplinary Authority. He was not given adequate opportunity by the Enquiry Officer to defend his case properly before him. He preferred an appeal before the Appellate Authority against the order of dismissal from service. The Appellate Authority did not give considered judgement in his appeal. The charges levelled against him were not proved from the evidence on record. The finding of Enquiry Officer is perverse and deserves to be quashed. He never indulged in the manhandling inside the factory premises as alleged by the factory management. The workman further alleges that one co-worker Hari Prasad had borrowed money from him for his daughter's marriage. He had never advanced any money as a loan to Shri Hari Prasad inside the factory premises. In reality he had given money to Hari Prasad to meet expenses of his daughter's marriage purely on humanitarian ground.

He had not manhandled Hari Prasad inside the factory premises on the alleged date as stated by the management. There is no evidence to show that he was missing from the place of his duty. In this way not a single charge was proved against him during the course of enquiry proceedings and even then the enquiry officer has held the charges proved against him. The Disciplinary Authority illegally accepted the report of Enquiry Officer and passed the order of termination from service without examining the record properly. This order therefore deserves to be quashed. The punishment of dismissal from service is disproportionate to the circumstances of the case. In view of all these facts he is entitled to reinstatement with all back wages and other monetary benefits.

3. The case for the management is that on 28th October, 1989, the workman went to F-9 Section of the factory to meet Shri Hari Prasad an Industrial Employee and demanded money from him amounting to Rs. 5500 with interest at the rate of 8 per cent. This amount was given by the workman to Hari Prasad as loan Shri Hari Prasad refused to pay the amount as he had already paid the same with interest to him. On the refusal made by Shri Hari Prasad the workman became angry and dragged Hari Prasad using physical force on him inside the factory premises. The workman handled Hari Prasad and also threatened him of the dire consequences. Shri Hari Prasad made a report of this incident to his immediate Officer. On receiving this report, the workman was suspended and charge sheet was issued to him. The following charges were framed against him :

1. Manhandling of a factory employee.
2. Money lending inside the factory during the working hours.
3. Threatening to the factory employee.
4. Missing from place of duty.
5. Conduct unbecoming of a Government servant.

4. The management further alleges that the workman submitted his explanation to the charges served on him and he denied all the allegation made against him by the management. The management held the DE against the workman and supplied all the relevant documents relied on by it. The workman participated in the enquiry proceedings and submitted his defence properly. The adequate opportunity was given to him by the Enquiry Officer to defend his case. After the enquiry was over the Enquiry Officer considered all the material on record and held the charges proved against him. The Enquiry Officer submitted his report to the Disciplinary Authority and copy of the report was supplied to the workman for submitting his defence before the competent authority. After considering the entire facts and circumstances on record the Disciplinary Authority accepted the enquiry report and imposed the penalty of dismissal from service on the workman. The workman preferred an appeal against the order of dismissal and the Appellate Authority after considering the defence of the workman, rejected his appeal. In this way the DE was conducted in a just and proper manner against the work-

man. The order of dismissal from service is just and proper and does not require any interference. Looking to the gravity of the charges the proper punishment has been awarded against the workman. The workman is not entitled to any relief in the present case.

5. The following issues have been framed in this case and my findings thereon are noted hereinafter:—

1. Whether the enquiry is just, proper and legal?
2. Whether the management is entitled to lead evidence before this tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal?
5. Relief and costs?
6. Issue Nos. 1 and 2 :

It has been held by this tribunal on 24-2-99 that the DE was conducted against the workman in a just and proper manner. In view of this finding the management is not required to lead any further evidence to prove the alleged misconduct of the workman. Both these issues are answered accordingly.

7. Issue Nos. 3 and 4 :

The DE has been held to be just and proper. The workman participated the enquiry proceedings and he had the ample opportunity to prove his defence. The Enquiry Officer considered the entire evidence on record and held the charges proved against the workman. This court is not competent to re-appreciate the evidence adduced before the Enquiry Officer. The report of the Enquiry Officer does not appear to be perverse. He has considered the facts and circumstances of the case prudently and thereafter held the charges proved against the workman. Taking all these facts into consideration it is not possible to hold that the charges were not proved against the workman. Issue No. 3 is answered accordingly. The workman had demanded the amount of his loan of Rs. 5000 with interest advanced to one co-worker Hari Prasad inside the factory premises during duty hours. Shri Hari Prasad refused to pay this amount to him on the plea that he had already paid it to him. On this reply, the workman manhandled Hari Prasad inside the factory premises and threatened him of dire consequences. This fact clearly goes to show that the workman had left his seat during the working hours without the permission of his immediate officer with an intention to recover his loan amount with interest from Hari Prasad. On refusal to pay the amount the workman manhandled Hari Prasad inside the factory which is highly objectionable and not unbecoming of government servant. Such type of activity is highly deplorable inside the Ordnance Factory where strict discipline is required to be observed. No employee can carry out the business of lending money inside the factory premises. Taking all these facts into consideration the punishment of dismissal from service does not appear to be disproportionate to the circumstances of the case. The punishment is perfectly just and proper which does not require any interference. Issue No. 4 is answered accordingly.

8. Issue No. 5 :

On the above said reasons it is held that the workman is not entitled to receive any benefit in his case. The imposition of penalty of dismissal from service on him by the management is just and proper. The reference is accordingly answered against the workman and in favour of the management.

9. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2001

का.आ. 2875—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबंधन के संबंध में निम्नलिखितों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था।

[सं. एन-40012/233/91-आई.आर. (डो.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom. and their workman which was received by the Central Government on 27-9-2001.

[No. L-40012/233/91-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/18/93

Presiding Officer.—Shri K. M. Rai,

Shri Dadarao Nathuji Navnage,
At and P.O. Nalwadi,
Beghar, Nag'en Nagar,
Tehsil & Distt. Wardha.

... Applicant

V/s

The General Manager,
Deptt. of Telecommunication,
Wardha.

... Non-applicant

AWARD

Passed on this 4th day of September, 2001

1. The Government of India, Ministry of Labour, vide Order No. L-40012/233/91-JR(DU) dt. 20-1-93 3182 GI/2001—20

has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Sub-Divisional Officer(T) Wardha in terminating the services of Shri Dadarao Nathuji Navnage is legal and justified? If not, what relief he is entitled to?”

2. The case for the workman is that he was working as casual worker in the employment of the management since 30-7-86. He was being paid the wages at the rate of Rs. 32.25 per day. He was engaged in laying down of the cables, digging trenches, removing the mud, removing the defects and faults and doing all the incidental work as per the directions of the concerned authority. He had continuously worked for more than 240 days in a calendar year preceding the date of his termination from service w.e.f. 30-4-87. He was not served with any written order of termination by the management. He was neither served with one months statutory notice prior to the termination of service nor any retrenchment compensation was given to him according to the provisions of Section 25-F of the I.D. Act, 1947. The junior workers have been retained in service and the present workman has been removed without assigning any reason by the management. The Government of India had issued a circular directing the Telecommunication Department not to recruit the casual labour after 30-3-85. It was also directed that casual labour could be engaged after 30-3-85 in projects and electrification department only for specific work and on its completion, they will be retrenched.

3. The workman further alleges that as per the scheme of the Government of India, the casual workers could be absorbed by the Telecommunication provided they had completed 240 days continuous service in a year by stopping all recruitments of outsiders in the cadre. After absorption they could be posted wherever the vacancies occur. The management has failed to comply with this scheme. The termination order passed by the management is illegal which deserves to be quashed. The workman is entitled to reinstatement with back wages and other consequential benefits.

4. The case for the management is that the workman was working as casual worker with the Sub-Divisional office of the management w.e.f. 3rd July, 1986 to 31-12-1986 and w.e.f. 1st January, 1987 to 15th May, 1987. He had completed continuous service only for 163 days in a calendar year. His appointment was purely temporary and subject to availability of the work. He has no right to the post and therefore he is not entitled to reinstatement with back wages. The workman was engaged on the project for laying underground cables in 1986 and after the completion of the work, the employment of the workman automatically came to an end. At the relevant time, he was being paid the wage at the rate of Rs. 12 per day. The management has not contravened the provisions of Section 25-F of the I.D. Act, 1947. The workman on his own will did not come to seek work and remained absent from his duty without any information or any application to the concerned authority. He was not removed from service by the management. The workman is gainfully employed and has regular source of income to make his livelihood. In view

of all these facts, the workman is not entitled to reinstatement with back wages as alleged by them.

5. The following issues arises for decision in this case and my findings thereon are noted hereinafter :

1. Whether the workman is entitled to reinstatement with back wages?

2. Relief and costs?

6. Issue No. 1.—Admittedly the workman was employed as a casual worker in the month of July, 1986 and was discontinued to work w.e.f. 30-4-87. In this way the workman did not complete continuous service for 1 year. The witness for the management Shri Girish Kowal has stated in para 13 of his statement that the workman was employed for Railway electrification project in the year 1986 for laying down the cable and digging trenches etc. The Railway Electrification Project came to an end in the year 1989. The workman never completed continuous service for 240 days in a calendar year preceeding the date of his discontinuance from work. The workman has not been able to establish that for the employment, his name was sponsored through the employment exchange and he was employed according to the provisions of Recruitment Rules against the permanent vacancies. In this connection it has been held by the Supreme Court in AIR 1996 SC Pg. 1565 State of Himachal Pradesh versus Suresh Kumar Burma and others that appointment on daily wage basis is not an appointment to the post according to the rules. The project in which the casual workers are engaged and it comes to an end then their services are terminated for want of work. In such a circumstance, the court cannot give any direction to engage them in any other work or adjust him against the existing vacancies. Such casual workers cannot claim as a matter of right to the post. The said principle laid by the Supreme Court is absolutely applicable in the present case. The workman, being casual worker, cannot claim as a matter of right to the post he was holding for Railway Electrification Project which came to an end in the year 1989.

7. The workman has admitted in para-9 of his statement that he was employed as casual labour on 3-7-86 and continued till 12-5-87 for project work. He was performing the duty of digging trenches and laying down the cables etc. In the project. After the discontinuance from service w.e.f. 30-4-87, he was given the employment as and when the necessity arose. He has further stated in para-10 of his statement that on 30-4-87, he had submitted an application to the department for providing him work. He has failed to file the copy of the same. In the absence of this fact, It cannot be held that he had filed an application for providing the job in the department. At the same time, his own statement clearly goes to show that he was purely a casual worker and his employment came to an end on the day the project was over. In view of his statement also it cannot be said that he has a right to the post as claimed by him.

8. On the reasons stated above, it is held that the workman is not entitled to reinstatement with back wages as claimed by him in this case. Issue No. 1 is answered accordingly.

9. Issue No. 2.—In view of my findings given on Issue No. 1, the workman is not entitled to any relief in this case.

10. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 27 सितम्बर, 2001

का.आ. 2876—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलाजिकल सर्वे आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था।

[सं. एन-42012/194/98-आई.आर. (डो. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 27-9-2001.

[No. L-42012/194/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 194/2001

Date of conclusion of the Hearing—13-8-2001

Date of Passing Award—10th September, 2001

BETWEEN

The Management of Archaeological Survey of India,
Horticulture Division No. 4, Lewis Road, Near Ravi
Talkies, Bhubaneswar, Distt. Khurda. ... 1st Party-
Management.

AND

Their Workman, Shri Askhya Das,
S/o Spani Das, At. Bodhakhandi Jagir,
P.O. Sisilo, Via. Balakati, Bhubaneswar. ... 2nd
Party-Workman.

APPEARANCES :

Mr. Sunakar Pradhan, Foreman,

Horticulture Division No. IV, Bhubaneswar. —
For the 1st Party-
Management.

Shri Askhya Das.—For Himself-Workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following disputes for adjudication vide their Order No. L-42012/194/98/IR(DU), dated 24/28-12-1998 :—

“Whether the action of the Management of Archaeological Survey of India in refusing to engage the disputant Shri Askhya Das from the service is legal and justified? If not, to what relief the Workman is entitled?”

2. The case of Shri Askhya Das, (hereinafter called as the 2nd Party-Workman) is that he worked under Archaeological Survey of India (hereinafter called as the 1st Party-Management) from 1-3-1984. He was getting wages for Rs. 1500 per month. He has completed more than 240 days. His service was terminated by the 1st Party-Management on 21-2-1996. He has worked till 20-2-1996. He performed his duties to the best satisfaction of the 1st Party-Management. But due to his bad luck after rendering nearly two years of continuous employment he was refused employment. He along with other 29 Co-Workmen has filed a case before the Central Administrative Tribunal, Cuttack, for their regularization. His grievance is that he was refused employment with effect from 21st February, 1996 along with others without compliance of Sections 25(F)(A)(B), 25-G and 25-H of the Industrial Dispute Act. According to him the last come first go principle was not followed. He has further stated that 20 juniors were given employment and his case has been over-looked. According to him the gradation list prepared by the Management was defective and was made without application of mind. The Workman has challenged his removal from service and has claimed re-instatement with back wages and other service benefits with effect from 21-2-1996.

3. The Management in their Written Statement has challenged the averments made in the Claim Statements. It is pleaded that the Workman was a seasonal Casual Worker. His engagement was being required on the availability of the works in different gardens. It has been further pleaded by the Management that, the Workman has not completed 240 days continuous work in a year. The further case of the Management is that as per the direction of the Central Administrative Tribunal a gradation list was prepared in respect of the Workman and the name of the Workman was placed in the bottom of the said list. The employment has been given to the senior persons in the list. According to the Management, there is no violation of provisions of Industrial Dispute Act as pleaded by the Workman. The Management has also

denied that he has completed 240 days of continuous work.

4. On the above pleadings of the parties the following issue has been settled :—

1. Whether the action of the Management of Archaeological Survey of India in refusing to engage the disputant Shri Askhya Das from the Service is legal and justified? If not, to what relief the workman is entitled?

FINDINGS

Issue No. I :

5. The Workman has himself examined in support of his case. He has stated on oath that he was getting Rs. 1,500 per month. He continued till 21-2-1996. Suddenly his service was terminated. No oral evidence has been adduced on behalf of the Management. This witness has been cross examined by the Management wherein he has admitted to have worked 49 days in the year 1989, and absented from duty from 1990 to 1992. He has further admitted that he did not work in the year 1993, 1994 and 1995. His further admission is that he worked for 38 days in the year 1996 for which he was being paid daily wages. So in view of his evidence it would appear that he has not completed 240 days of continuous work. So on his own admission he has failed to establish the first ingredient for regularization that he has worked 240 days continuously.

6. The Management has taken the stand that the Workman had not completed 240 days and his engagement was being required on the availability of the work under different gardens. So, according to the Management the duty of the Workman being seasonal on the availability of the work, he cannot claim for regularization. When the Workman, himself admitted that he has not worked for 240 days there is no necessity for adducing any evidence on behalf of the Management.

7. In Para-2 the Workman has stated that after his termination one Shri Bijaya Pradhan, Shri Pitabasa Subudhi, and Shri Kasinath Pradhan the new entrants have been employed. In the Claim Statement the Workman has stated that he along with 29 others have filed a case before the Central Administrative Tribunal, Cuttack for their regularization. There was direction to prepare a gradation list, but the Management has violated the order of the Central Administrative Tribunal by preparing the gradation list. It may be stated here that number of references have been received to this Tribunal for different Workmen for similar cause of action. Some references have been answered and some are pending. During course of argument same type of submission was made. As I stated above, direction was given by the Central Administrative Tribunal for preparation of gradation list of the daily wagers for permanent absorption. Accordingly a gradation list was prepared and published. According to the Workman that was defective as proper procedure was not followed and there was no application of mind. If the Workman was aggrieved he could have approached the Central Administrative Tribunal against the preparation of gradation list by

the 1st Party-Management. But he has not done so. No evidence has been produced on behalf of the Workman that his juniors have been appointed whereas his case was ignored. In the previous paragraph I have come to the conclusion that the engagement of the Workman was casual in nature depending upon the availability of the work, so he has got no right for notice or compensation before termination as required under Section 25(F) of Industrial Disputes Act. In the other words the action of the Management in refusing to engage the Workman Shri Askhya Das from service is legal and justified and he is not entitled for any relief. This issue is answered in favour of the 1st Party-Management.

8 Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली 27 सितम्बर, 2001

का.आ. 2877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलाजिकल सर्वे आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-9-2001 को प्राप्त हुआ था।

[सं. एल-42012/202/98—आई.आर. (डी.यू.)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 27th September, 2001

S.O. 2877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of this Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 27-9-2001.

[No. L-42012/202/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shi S. K. Dhal, OSJS, (Sr. Branch),
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

Tr. Industrial Dispute Case No. 201/2001
Date of Conclusion of the Hearing : 16-8-2001
Date of Passing Award: 14th September, 2001.

BETWEEN

The Management of Archaeological Survey of
India, Horticulture Division No. 4, Lewis

Road, Near Ravi Talkies, Bhubaneswar,
District Khurda.

...1st Party-Management.

AND

Their Workman, Shri Basanta Kumar Bhoi,
S/o. Makar Bhoi, At/PO Kalyanpur, PS.
Bhubaneswar, Dist Khurda.

...2nd Party-Workman.

APPEARANCES :

Mr. Sunakar Pradhan, Foreman, Horticulture
Division No. IV, Bhubaneswar—For the
1st Party-Management.

Shri Basanta Kumar Bhoi—For himself—Work-
man.

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-42012/202/98/IR(DU), dated 24/28-12-1998 :—

“Whether the action of the Management of Archaeological Survey of India in refusing to engage Shri Basanta Kumar Bhoi is legal and justified? If not, what relief the workman is entitled to?”

2. The case of Shri Basanta Kumar Bhoi (hereinafter called as the 2nd Party-Workman) is that he worked under Archaeological Survey of India (hereinafter called as the 1st Party-Management) from 15-11-1986. He was getting wages of Rs. 1455 per month. He has completed more than 240 days. He was terminated by the 1st Party-Management on 21-2-1996. He has worked till 20-2-1996. He performed his duties to the best satisfaction of the 1st Party-Management. But due to his bad luck after rendering nearly two years of continuous employment he was refused employment. He alongwith other 29 Co-workmen have filed a case before the Central Administrative Tribunal, Cuttack, for their regularization. His grievance is that he was refused employment with effect from 21-2-1996 along with others without compliance of Sections 25(F) (A) (B), 25-G & 25-H of the Industrial Disputes Act. According to him the last come first go principle was not followed. He has further stated that 20 juniors were given employment and his case has been over-looked. According to him the gradation list prepared by the Management was defective and was made without application of mind. The Workman has challenged his removal from service and has claimed re-instatement with back wages and other service benefits with effect from 21-2-1996.

3. The Management in their Written Statement have challenged the averments made in the Claim Statements. It is pleaded that the Workman was a seasonal casual worker. His engagement was being required on the availability of the works in different gardens. It has been further pleaded by the Management that, the Workman has not completed 240 days continuous work in the year. The further case of the

Management is that as per the direction of the Central Administrative Tribunal a gradation list was prepared in respect of the Workman and the name of the Workman was placed in the bottom of the said list. The employment has been given to the senior persons in the list. According to the Management, there is no violation of provisions of Industrial Disputes Act as pleaded by the Workman. The Management has also denied that he has completed 240 days of continuous work.

4. On the above pleadings of the parties the following Issue has been settled:—

I. Whether the action of the Management of Archaeological Survey of India in refusing to engage Shi Basanta Kumar Bhoi is legal and justified?

II. If not, what relief the workman is entitled to?

5. On behalf of the Workman two witnesses have been examined. The Workman Witness No. 1 is the Workman himself and the Workman Witness No. 2 is his co-worker. The Management has examined one witness and three documents have been exhibited as Exts.-A, B & C on behalf of the Management.

FINDINGS

Issue No. I & II:

6. The Workman has stated that he was engaged under the 1st Party-Management on 15-11-1986 and continued till 20-2-1996. He was working in the garden. Thereafter he was refused employment without any notice or any cause. According to him his disengagement is illegal. His witness has also stated in the similar manner. In the cross examination the Workman has admitted that he was working as casual labourer. Nowhere he has stated that he has completed 240 days in his evidence. In the other hand the Management have produced documents, Ext.-A which reveals that the Workman had worked six days in the year 1991. No documents have been produced on behalf of the workman to satisfy this Tribunal that he had completed 240 days of continuous work under the 1st Party-Management. As I stated the Management have produced the Ext.-A to satisfy that he had worked only six days in the year 1991. According to the Management the engagement of the Workman was needed on the availability of the work under different gardens. So they have taken the stand that the duty of the working being seasonal and on the availability of the work, he cannot claim for regularization.

7. The Workman has stated that he and his co-worker had filed a case before the Central Administrative Tribunal and the Management have failed to comply the direction of the said Hon'ble Tribunal. The Hon'ble Central Administrative Tribunal passed direction to prepare a gradation list according to the seniority for regularization. The case of the Workman is that the Management has prepared a gradation list not in accordance with the procedure but whimsically without taking into consideration of the seniority of the workers. If that is the case then the

Workman should have challenged that list before the Central Administrative Tribunal but that has not been done. According to the Management the name of the Workman was found place at Sl. No. 40 of the gradation list. So he could not be adjusted as his turn did not come.

8. On perusal of the materials available in the record, I am of the opinion that, the engagement of the Workman was casual in nature depending upon the availability of the work. So his disengagement would not come under the definition of retrenchment. Moreover he will have no right to claim the post. When the engagement of the workman is casual in nature depending upon the availability of the work he has got no right for notice or compensation before termination as required under Section 25(F) of Industrial Disputes Act. In the other words the action of the Management in refusing employment to Shri Basanta Kumar Bhoi is legal and justified, and the Workman is not entitled for any relief. Hence, Issue No. I and II is answered in favour of the Management.

9. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

का.मा. 2878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी. आई. के प्रबंधसंज्ञ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम मंत्रालय कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-42012/28/78-डी-II(बी)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 1-10-2001.

[No. L-42012/28/78-D.II(B)]

N P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 40 of 1979

PARTIES :

Employers in relation to the management of Food Corporation of India,

AND

Their Workman

PRESENT :

Mr. Justice Bharat Prasad Sharma.—Presiding Officer.

APPEARANCE :

On behalf of Management.—None.

On behalf of Workmen.—Mr. M. S. Dutta, Advocate.

STATE : West Bengal

INDUSTRY : Food

AWARD

By Order No. L-42011(28)/78-D.II(B) dated 13th/14th June, 1979 the Central Government in exercise of its powers under section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of the Food Corporation of India in discontinuing with effect from the 16/17th June, 1978, employment of their workmen under direct payment system in their Siliguri and New Jalpaiguri Depots, is justified? If not, to what relief are the workmen entitled?”

2. When the case is called out, union is represented by its Advocate, but none appears for the management inspite of service of notice. It is stated on behalf of the union that the matter in question, which was also the subject matter of adjudication. Reference No. 13 of 1977, has already been decided and disposed of by an Award dated 5-11-1993. The matter was challenged in the higher courts and the Hon'ble Supreme Court has finally upheld the Award of this Tribunal and the Award has already been acted upon. Therefore, the workmen do not have any grievance left to pursue the reference. It is accordingly submitted that an Award of “No Dispute” may be passed. A petition is also filed to the effect.

3. In the circumstances, the reference is decided as no dispute and accordingly it is disposed of by passing a “No Dispute” Award.

Kolkata,

Dated, The 20th September, 2001.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

का.आ. 2879.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमर्यादालय कोलकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-19012/65/84-डी.-IV(बी)]

एन पी केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2879.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman which was received by the Central Government on 1-10-2001.

[No. L-19012/65/84-D.IV(B)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No.16 of 1985

PARTIES :

Employers in relation to the management of Dhemomain Colliery under the Sitarampur Area, M/s. Eastern Coalfields Limited.

AND

Their Workmen

PRESENT :

Mr. Justice Bharat Prasad Sharma, Presiding Officer.

APPEARANCE :

On behalf of Management.—Mr. P. P. Jhinwalla, Counsel with Mr. D Mukherjee, Advocate.

On behalf of Workmen : Mr. M. M. Saha, Advocate with Mr. S. Mukherjee, Advocate

STATE : West Bengal

INDUSTRY : Coal

AWARD

By Order No. L-19012(65)/84-D.IV(B) dated 10th May, 1985 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the management of Dhemomain Colliery under Sitarampur Area of Eastern Coalfields Ltd., P.O. Sitarampur (Burdwan) was justified in not taking the workers shown in the Annexure in their direct roll from the date they are working as such? If not, what relief the workers are entitled and from what date?”

LIST OF THE WORKMEN

1. Saukat Ali
2. Akbar Khan
3. Ch. Hussain
4. Br. Alam Khan
5. Idul Khan
6. Sarfuddin Khan
7. Suresh Mondal

8. Sadhu Mahato

9. Taslim Khan

10. Islam

11. Samsuddin Khan

12. Alauddin Khan

13. Ilias Khan

14. Sudhir Kumar

15. Jagadish Yadav

16. Kailash Singh

17. Ranjeet Singh

18. Heraman

19. Chandrika

20. Bidyanad

21. Hamid

22. Hasson Khan

23. Sarwan Singh

24. Tahid Khan

25. Jahangir Khan

26. Raja Ram

27. Dasarah Mondal

28. Ch. Alam Khan

29. Nijam Khan

30. Mustaqueim Khan

31. Nissar Khan

32. Kudes

33. Jahid Khan

34. Azelharul Khan

35. Sultan Khan

36. Ibrail Khan

37. Mahaswar Singh

38. Naresh Mondal

39. Nondakishore

40. Bharoshi

41. Ramdhir

42. Ramanand

43. Dineshwar

44. Uchit

45. Rajendra Mondal.

2. This reference arises out of the claim on the part of the 45 workmen listed in the Annexure to the schedule of reference 'a' they have been illegally removed and terminated by the Company, i.e., Dhemo-main Colliery of Eastern Coalfields Ltd., although they had continued to work for the Company between 5 to 10 years continuously. The present dispute was raised by the Colliery Mazdoor Sabha on behalf of the 45 workmen aforesaid. In the written statement filed on behalf of the union it has been

stated that the said employer Dhemo-main Colliery happens to be a nationalised coal mine under the Eastern Coalfields Ltd. and the Colliery employees about 3000 workmen. It is said that the said 45 workmen happened to be members of the union, namely Colliery Mazdoor Sabha, a trade union affiliated to A.I.T.U.C. and recognised by the Govt. of India and the E.C.L. It is also further stated that the concerned workmen worked continuously for a period ranging between 5 to 10 years in the Colliery and they were regularly engaged to do the miscellaneous underground and surface work as Findals and Security Guards which constituted an inseparable and integral part of the job of a coal mine. It is further stated that the union by a letter dated 15-3-1984 addressed to the Company demanded full wages and other benefits available to the regular employees which was being denied to these 45 workmen and carried on lawful and peaceful agitation regarding the same. Thereafter, the Company suddenly without assigning any reason and without any justification arbitrarily stopped the work of the concerned 45 workmen with effect from 2-7-1984 without any notice. It is further stated that though with an ulterior motive the Company neither gave the concerned workmen any letter of appointment, nor any letter regarding stoppage of their work, there are materials to show that the concerned workmen worked in the Dhemo-main Colliery and for the mine; that the management selected them; that the management provided them all facilities to work, that they were all subjected to the control and supervision of the management of the Colliery and the management of the Colliery was their pay master. It is stated that after the stoppage of work to these union wrote a letter to the Company on 3-7-1984 requesting the Manager to state the circumstances of their removal and to order for resumption of their duties, but nothing was done by the management. Thereafter the union wrote a letter on 10-7-1984 to the Assistant Labour Commissioner (Central), Assansol. The A.L.C. sent a copy of the letter to the management and the management sent their reply in this regard. The conciliation thereby started and efforts were made, but no agreement could be arrived at and the matter was ultimately reported to the Government and the reference was made. It has been stated that there are materials to show that the said 45 workmen were deputed to work by the Manager of the Colliery that the refreshment cost was paid to them by the management; that leave was granted by the management to the workmen, medical treatment facilities was also afforded to them which go to show that they were actually the employees of the company and there was relationship of employer and employee between the two. But, the Company taking advantage of the ignorance of the workers adopted unfair labour practice and exploited them in contravention of the provisions of law. It is said that when the matter was taken up before the management a plea was taken on behalf of the management that the said workmen were never employees of the Company; rather, they were employed through contractors Saukat Ali and Sudhir Kumar. However, the union all along maintained that the said Saukat Ali and Sudhir Kumar were also the wage earners in the Company and they were regularly allowed work by the management and payments were made to them and therefore the question of their being contractor

did not arise. It is alleged that the concerned workmen were deprived and denied the normal wages and benefits payable to the regular employees and in this way they have been exploited and ultimately they have been stopped work without any reason and without serving any notice or making payment of any retrenchment compensation under Section 25F of the Industrial Disputes Act, 1947. Accordingly, it has been prayed on behalf of the union that the action of the management should be treated as an instance of unfair labour practice and termination of their service should be treated as unjustified and they should be treated as regular employees of the Company and should be held to be entitled to all benefits and accordingly a prayer has been made that the concerned workmen should be directed to be taken to direct roll of the Company as Tindals and Security Guards with effect from the date of their removal and they should be ordered to be paid full wages and all benefits from their respective dates of joining.

3. A written statement later has been filed on behalf of the management in which the management challenged the maintainability and validity of the reference itself and it has been stated that the said 45 workmen have never been the employees of the Company and they were never employed by the management of E.C.L. and therefore it is not a case of industrial dispute. It was also further stated that the Tribunal has no jurisdiction to grant any relief to these workmen. It has been further stated that the Company requires various kinds of miscellaneous work to be carried out at different times and different places and the nature of work is such that it is not forbidden to be carried out by contract labour. Considering the nature of work it would not be proper and economical for the Company to employ regular workmen and accordingly the Company engages contractors who undertake to produce the required or given result on payment of agreed rates. Accordingly, Saukat Ali and Sudhir Kumar, whose names also appear in the Annexure to the reference, were two such contractors and the other 43 persons were engaged by these two contractors for completion of work assigned to the contractors. It is stated that whenever the Company required any such miscellaneous work to be carried out its officials orally placed order with Saukat Ali or Sudhir Kumar indicating the desired result and the contractors used to undertake to produce such result for payment at the agreed rate and they used to get the work done by their workmen. Thus, when the desired result is attained, the work done is noted in a note sheet attached to the formal work order and the due payment was calculated and after deducting 2 percent of the total as income tax, the amount was paid to the contractor concerned by account payee cheque and the contractor then used to make payment to the workmen at their agreed rate. In due course the said deducted 2 percent of the amount is paid to the Income Tax Dept. Therefore, it is stated that the aforesaid 45 persons were never the employees of the Company. It is also further stated that the Central Government by order dated 9th October, 1984 had refused to refer the dispute, but subsequently without any notice to the management made the reference, which appears to be improper and illegal. Accordingly the allegations made in the written statement of the union have been denied parwise and it has been

stated that the services of these workmen were procured by the contractors after receiving order from the management and they used to perform the work assigned to them by the contractors. It is denied that they were ever assigned any work by the management or that their work was supervised by the management or that any payment was directly made to them. Rather, they worked all along under the direction and instruction of the contractors and the Company had no direct concern with these workmen. In this circumstance, it has been stated that it is incorrect to say that the work of these 45 workmen was illegally or arbitrarily stopped by the Company and this stand was also taken before the A.L.C. when the notice was sent to the Company. It has also been stated that the documents which have been referred to in the written statement of the union do not have any direct bearing or relation on the point of relationship of employer and employee between the Company and the concerned workman and therefore, it has been submitted that the claim of the workman is not fit to be allowed and the same be rejected and the reference be decided and answered accordingly.

4. It appears that after the parties put in there appearance and the pleadings were filed, in view of the plea taken on behalf of the management regarding validity and maintainability of the reference, a serious kind of controversy was raised mainly on the ground that the Desk Officer who has said to have signed the order of reference did not happened to be competent authority to do so. For this purpose the provisions of the Constitution of India and the Authentication (Orders and Other Instruments) Rules, 1958 were quoted and the matter was sought to be decided as preliminary issue. The Tribunal in this regard wrote to the Ministry and a letter dated 12th May, 1995 was received in clarification of the point raised and accordingly the Tribunal passed an order on 9-8-1995 setting the matter at rest because in the aforesaid letter of the Ministry it was stated that the F.O.C. reports sent by the officials of the Central Industrial Relations Machinery are examined in the Ministry and final decisions are taken by the competent authority at the appropriate level and the Desk Officers are authorised to communicate the decision to the concerned authorities. Therefore, it has been made clear that the question of the reference being defective on account of the fact that it has been signed by a Desk Officer does not arise. After the said order the hearing in the matter proceeded and evidence was recorded.

5. In support of the claim the union examined altogether five witnesses and the management examined two witnesses. The witnesses for the union are WW-1, Sudhir Kumar, WW-2 Md. Saukat Ali, WW-3 Md. Hassan Khan, WW-4 Sunil Sen and WW-5 Chota Hamid Khan. WW-1 Sudhir Kumar and WW-2 Saukat Ali have supported the claim of the union and they have denied that they were contractors as alleged by the management; Rather, they have stated that they were also workmen like other 43 persons named in the list attached to the schedule of reference and all of them worked as Tindals and their work was supervised by the officers of the Company and they were paid on vouchers. Several documents were also produced and shown to these witnesses and were admitted into evidence. In his cross-examination Sudhir Kumar, WW-1, has stated that he cannot say as to

how his name has been shown in Ext. W-2, but he admitted that the payment was being made by the Company through crossed cheque for all the employees and he has also admitted his signatures on several documents produced and shown to him by the management. On some documents the signature of one Chandrika Singh appeared and it was suggested to him that the name of Chandrika Singh appeared on account of the fact that he was Sardar while this witness was a contractor. Another witness Saukat Ali, WW-2 has also in his cross-examination admitted his signatures on documents Exts. M-5, M-6, M-7 and M-8. He also admitted his signatures on Exts. M-9 and M-10. Similarly, he also admitted his signatures on Exts. M-11, M-12 and M-13 as also in M-14. However, it was suggested to him that the payments for the work done was always being made to him through cheques, but he denied it, though this fact has been admitted by WW-1.

WW-3, Md. Hassan Khan has stated that he was working as a Tindal in the Company and his name stands at Sl. No. 22 of the list and he has stated that the leave applications Ext. W-1 to W-10 were filed on behalf of different workmen to the management and the same were allowed. He also denied that he worked under the contractors Sudhir Kumar and Saukat Ali. In his cross examination he has admitted that there is endorsement 'may be allowed' on the applications above the name Chandrika Singh and abbreviated name S. K. was mentioned which might mean Sudhir Kumar and therefore it has been suggested to him that Chandrika Singh being Sardar was recommending the applications for leave and forwarding the same to the contractor, Sudhir Kumar.

WW-4, Sunil Sen happened to be an office bearer of the union sponsoring the present industrial dispute and he has stated that the 45 workmen were actually the employees of the Company and that the person who had signed the pleadings earlier, namely, M. Ahmad happened to be Vice-President of the Colliery Maddoor Sabha.

WW-5, Chota Hamid Khan was a regular employee of the Company working as Tindal since 1955 and he retired in 1991 and he has also tried to support the case of the union and has said that whereas the workmen in question used to get Rs. 900 per month, the regular employees of the same category were getting Rs 1500 per month. He has stated that some of the employees out of 45 persons had worked from 1975 to 1984. He has also stated that these concerned workmen also used to sign attendance register like the regular workers, but no such register has been produced and it has been suggested to him that actually Saukat Ali and Sudhir Kumar were contractors which he denied, but he expressed his ignorance about whether there was any agreement between the management of the Company and the said Saukat Ali and Sudhir Kumar.

6 So far as the management is concerned, MW-1 B. K. Sinha happens to be the Deputy Chief Engineer, Electrical and Mechanical of E.C.L., Sodepur Area and according to him from 1978 to 1991 he was at Dhamomain Colliery as Senior Executive Engineer. He has stated that there was no Executive Engineer by the name T. N. Sinha in the Colliery, but when he was deposing there was one P. N. Sinha an Executive Engineer. He has further stated that so far

as the regular employees are concerned, the Manager of the mine grants leave to them and the Senior Executive Engineer has nothing to do with the leave matters. According to him the allotment of job is also done by the Manager or the Colliery Engineer and this witness as Senior Executive Engineer had nothing to do with the allotment of job to the contractors, which was being done by a committee consisting of himself and the Manager of the Colliery. He has said that there were Subal Gupta, Stores In-charge and Subal Das, Assistant Store Keeper, but none of them had authority to certify overtime payment.

MW-2, N. N. Gautam happened to be the Project Officer in the Dhamomain Colliery at the relevant time and the work of mechanisation of the colliery was going on which was known as reconstruction project. According to him for this project Saukat Ali and Sudhir Kumar were engaged as contractors for completing the job of installation and they had engaged the workman to complete the work. He has proved the documents said to be work orders in favour of Sudhir Kumar, marked Exts. M-1, M-2, M-3, M-4 and he has also proved work orders in favour of Saukat Ali, marked Exts. M-5, M-6, M-7, M-8 and M-9. He has stated that a B-Form Register happens to be the permanent record of an employee in which the names of the employees are entered at the time of his appointment or transfer. He also stated that there is a C-Form Register for the persons working underground the mine and there is a Register in E-Form meant for the workman working on surface. He also further stated that if a contractor's labour works down the mine his name is entered in Form-C Register, but in no case, the name of such a worker appears in B-Form Register, which is meant for permanent employees. He has further stated that the regular employees as per Form-B Register apply for leave to the controlling officer which is forwarded to the Personnel Officer and after the leave is granted, one copy is returned to the workman. The leave records are also maintained in Form-C Register which forms the basis of payment to the workmen. He further stated that the contractors are required to submit the names of their labourers to the management and the practice of granting leave to the contractors' labourers is different. It is granted by the contractors and the contractors are generally not required to inform the management about the strength of their labourers, but in special circumstance the workmen are not allowed to be granted leave and in such circumstance, they approach the management and the management recommends the grant of leave. Accordingly, regarding Exts. W-1 to W-10 he has stated that these were the leave applications of the contractors' labourers and the same have been endorsed to the contractors with an endorsement that 'the leave may be sanctioned'. Similarly, when Ext. W-11 was shown to him, which was a slip from the Store Keeper, it shows that four workers of the contractor had reported for collecting store materials for construction work. According to him, it was essential for collecting store materials and therefore the Store Keeper issued such slips by writing the names of the concerned workmen as required. The witness has also stated that the aforesaid persons were engaged for completion of a project work which was related

to mechanisation of the mine and the said project work was completed in major parts by 19th October, 1984. He has also proved the relevant document regarding the notification of the Ministry prohibiting engagement of contractor labour for certain categories of work which is marked Ext. M-18. He has also stated that colliery used to give work order to the contractor for this purpose and in order to execute the work the contractors used to engage their labourers. According to him, the contract was originally made verbal and it was reduced to writing and the work orders were signed by the authorised officers. Similarly, the workers were also given verbal orders by the contractors. He has stated that from the document Ext. M-18 it appears that the nature of work which was being performed by these workmen was not prohibited by the order contained in Ext. M-18. He has also stated that the payments were made to the contractors by cheques and he has also proved the payment vouchers Exts. M-11 and M-12. He has also stated that the Colliery Manager had no authority to make any appointment, nor the Project Officer was authorised to do so and the recruitment could only be made by the Head Office and, therefore, in time of necessity of extra labourers, the labourers were engaged through contractors. However, in his cross-examination he has also stated that the ordinary labour engaged in the project who had already acquired knowledge of working in the mechanised work was also absorbed and he has clearly stated that the contractors did not supply labour; rather, they were entrusted to execute some particular work. The work was entrusted by the Project Officer who was authorised to do so. However, he has stated that in day-to-day work if it became necessary the Manager and the Engineer or either of them allowed work to the labourers for execution of the work and accordingly the 45 persons concerned were engaged by the contractors under the instruction of the Engineer or Manager. He has denied that any leave application of such persons was processed either by the Manager or any other officer of the Colliery. However, in his cross-examination, he has also stated that the job of Tindal is perennial in nature, no doubt, and is a permanent job, but when it is done on contract basis, it does not remain a job of permanent nature. According to him, the job of Tindal in this case was to carry the machineries and he has denied that any of the aforesaid 45 persons was doing any job of perennial nature. He has also stated that if any of the 45 persons was given any duty of Security Guard, it was not by the Manager or the Engineer, but by the contract himself and actually the work was done by the contract labour also under the direction of the Manager or the Engineer. However, he expressed his ignorance about whether the contractors have any licence and has also denied that the two contractors aforesaid were actually the workman of the Colliery.

7. In the written statement filed on behalf of the management a point of law was also raised which was also pressed in course of argument. The point is that since the Government of India in the Ministry of Labour had once refused to refer the dispute and subsequently it decided to refer the dispute without consulting the employer or management, the reference is not legal. In this regard it has been submitted on behalf of the union that the law does not support the contention of the management. Two decisions have

been cited in this regard. The first decision is in the case of *Avon Services (Production Agencies) Pvt. Ltd. v. Industrial Tribunal, Haryana & Ors.* reported in 1979(1) LLJ 1. In this case it has been held by their Lordships of the Hon'ble Supreme Court that the only requirement of taking action under section 10(1) of the Industrial Disputes Act is that there must be some material before the Government which will enable the appropriate Government to form an opinion that an industrial dispute exists or is apprehended. It is also further held that 'this is an administrative function of the Government as the expression is understood in contra-distinction to judicial or quasi-judicial function'. Further, it has been observed that 'merely because the Government rejects a request for reference or declines to make a reference, it cannot be said that the industrial dispute has ceased to exist; nor could it be said to be review of any judicial or quasi-judicial order or determination'. Further, it has been observed that 'industrial dispute may nevertheless continue to remain in existence and if at a subsequent stage the appropriate government is satisfied that in the interest of industrial peace and for promoting industrial harmony it is desirable to make a reference, the appropriate government does not lack power to do so under section 10(1), nor it is precluded from making a reference on the only ground that on earlier occasion it had declined to make the reference'. Another decision in this regard relates to the case of *Sultan Singh v. State of Haryana & Anr.*, reported in AIR 1996 SC 1007. In this case also it has been held by their Lordships of the Hon'ble Supreme Court that for considering desirability of making a reference under section 10, the competent authority, i.e., the appropriate government is not bound to hear and consider the objection of the employer or management. In this context it has been held by their Lordships that "It is seen that on earlier occasion admittedly reference was received on the ground that the Appellant had settled the matter with the employer. In the second application, the Minister made a note directing reference, but in the order communicated later to the Appellant by the Labour Department, it was indicated that in view of the decision already taken the Government did not consider it necessary to reconsider the decision already taken. In other words, they were of the opinion that there existed no industrial dispute. They declined to make reference under section 10(1). Therefore to make reference under Section 10(1). Therefore the question whether it was incumbent upon the Government to record reasons for making reference. It has been observed by their Lordships that "It is not necessary to issue notice to the employer nor to consider his objections nor to hear him before making a reference. Accordingly, we are of the view that the High Court was wholly wrong in its conclusion that before making reference on second application it was incumbent upon the State Government to give notice to the employer and give an opportunity to the employer and record reasons for making reference". Therefore, the matter is set at rest that the competent authority or the appropriate Government is the real authority to decide whether to make a reference or not and the reference cannot be questioned on either of the two grounds that the reference was made for the second time after it was refused on the first occasion and that the employer was not given notice or

heard before the appropriate Government decided to make reference. The contention of the management accordingly stands rejected.

8. Now the question arises as to whether the engagement of the contractors or the labourers through contractors for performing particular nature of job by the management was legal and valid or it was in contravention of the Contract Labour (Abolition and Regulation) Act, 1970. It has been contended on behalf of the union that in view of the provisions of the Contract Labour (Abolition and Regulation) Act, 1970 the labourers could not have been engaged by the management through contractors as neither the principal employer nor the contractor had any licence for the purpose. It is true that for the purpose of engaging labourers through contractor according to the provisions of the Contract Labour (Abolition and Regulation) Act, both the principal employer and the contractor required to obtain licence, which has not been obtained by them in this case. However, it has been contended on behalf of the management that actually the job for which the contractors were engaged was not in the prohibited category of work. For the purpose of supporting it the management has filed the letter quoting the extracts of the D.O. letter dated 3-7-1984 of the Director, Department of Coal, Ministry of Energy addressed to the Chairman-cum-Managing Director of Eastern Coalfields Ltd. The aforesaid direction was to the following effect :

“The Contract Labour (Regulation and Abolition) Act, 1970 prohibits employment of contract labour in the following works :—

1. Raising or raising-cum-selling of coal.
2. Coal loading and unloading.
3. Overburden removal and earth cutting.
4. Soft coke manufacturing.
5. Driving of stone drift and miscellaneous stone cutting underground.
6. Sweeping, cleaning, dusting and watching of buildings.
7. Unloading of raw coal.
8. Charging of magnetite.
9. Plant cleaning, including removal of spillage, wastes, muck cleaning, magnetite removal, etc.”

It is, therefore, pointed out that the job for which the contractors were appointed and the labourers were engaged was not within prohibited category and therefore, there was no question of taking licence by the contractors or the principal employer. Earlier, there were various decisions in this connection in which it was held that as per the notification of the Government engagement of contractor labour was prohibited in view of the notification made under section 10(1) of the Contract Labour (Abolition and Regulation) Act. Such a notification is said to have been made on 9th December, 1976 by the Central Government. But recently, in a judgment delivered by the Apex Court in Steel Authority of India Ltd. v. National Union Waterfront Workers (2001 SCL Case No. 570) 3182 GI/2001—22.

their Lordships have struck down the validity of this notification as it was not found to be issued in accordance with the requirement of Sub-section (2) of Section 10. Therefore, the question of considering the legality or otherwise of engagement of contract labour without licence does not arise. However, while dealing with the matter before their Lordships a large number of cases were discussed by their Lordships and it was observed that where the question arises whether such workmen should be deemed as the employees of the principal employer or not, it has to be considered as to what were the circumstances existing. The most important decision in this regard earlier was the decision in the case of *Hussambhai, Calicut v. Alath Factory Thozhilali Union, Calicut & Ors.* (1978-II-LLJ 397). Their Lordships in this case considered the aspect of complexity of the question where it is claimed on behalf of the management that the workmen concerned did not happen to be their employees; rather, they were the employees of the contractor. The workmen in the case claimed that practically they were the employees of the principal employer and it was in order to circumvent the provisions of law that papers were created to show that they were not directly employed by the employer and that they were the employees of the contractor. In this circumstance, their Lordships made certain significant observations which still remain to be the guiding factors to decide the actual nature of relationship between the employer and the employee. It was observed by their Lordships “Whether the worker or a group of workers/labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers’ subsistence, skill and continued employment. If he, for any reason, chokes off, the worker is, virtually, laid-off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex contractu is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the Management, not the immediate contractor. Myriad devices half-hidden in fold after fold of legal form depending on the degree of concealment needed, the type of industry, the local conditions and the like may be resorted to when the labour legislation casts welfare obligation on the real employer, based on Arts. 38, 39, 42, 43 and 43A of the Constitution. The Court must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances” : There cannot be any doubt that the real nature of the relationship between the employer and the employees requires to be considered in the background of the real nature of the job performed and relationship existing between the principal employer and the number of employees said to be engaged by contractors.

9. In this case, it has been contended on behalf of the union that actually all these 45 persons involved in this reference were in fact the employees of the management and were working for them, but only in order to deprive them of their legal rights and to avoid their obligation towards them, the management has created a circumstance to make it appear that they were not the employees of the management.

It has been pointed out that from the evidence it will appear that these persons were working for the Company and their work was also controlled and supervised also being paid by the Company. It has also been stated that even their leave was controlled by the Company. For this purpose different kinds of papers have been produced on behalf of the union. One set of papers have been filed to show that in several cases leave applications were filed before the representative of the management by these workmen. But, it has been contended on behalf of the management in this regard that there was no question of the management granting leave to them, nor any such leave was granted which will be evident from the papers concerned itself. Rather, it has been stated that considering the requirement of the workmen, sometimes it was considered that without their knowledge the contractors' workers should not be allowed to remain absent and therefore in some cases some applications were received by the representative of the management and he used to ultimately forward it to the contractor with a recommendation that the applicant may be granted leave. Therefore, it cannot be said that the management was the ultimate authority controlling the grant of leave to these workmen. So far as supervising and controlling the work of these workmen are concerned, it has been contended on behalf of the union that they were being provided slips for taking out materials and that they were being treated by the medical officers of the Company like other things. But, it has been submitted on behalf of the management in this connection that because these workmen were engaged for the purpose of mechanisation of the mine and their duty was to carry materials and machinery for installation, it was necessary that they should have been granted slips and passes so that they could carry materials, but it cannot be treated as an instance that these workmen worked directly under the control of the management. It has been contended that so far as allowing them medical facility is concerned, it was only natural that when these persons were working in the Company in a project, they should have received medical treatment and accordingly it was given to them, but it should not be treated as an instance of management treating them as their employees. So far as the payment of wages to these workmen is concerned, it has been pointed out on behalf of the management that actually the payments were made by cheques to the contractors who used to disburse the same to the workers. Therefore, any statement by the witnesses for the union that they were receiving their wages directly from the management is falsehood, because not only the documents in this regard have been filed on behalf of the management, as pointed out earlier, rather the main witness for the union in this case WW-1, Sudhir Kumar has admitted in his cross-examination that the Company used to pay by cross cheques to him for the entire employees. Therefore, it has been contended on behalf of the management that the relationship of employer and employee cannot be proved by the incorrect statements made by the witnesses and some papers of insignificant nature filed to camouflage the truth. It has been contended on behalf of the management that from the entire evidence it becomes clear that the concerned workmen were engaged through two contractors for execution of the project of mechanisation of the mine. It has been contended

that though it is true that the work of Tindal in the mine is of permanent and perennial nature, but so far as these workers were concerned, they were engaged through contractor for specific work and the contractors were ordered to perform the job allotted to them and for discharge of the duties of completing the work they engaged certain persons with whom the management had no direct concern, excepting for that while they were working the management had to keep an eye over them so that the work is progressed well. It was contended on behalf of the union that from the materials on the record it becomes clear that the two persons namely, Sudhir Kumar and Saukat Ali were also employed like other workers and they were also receiving payments in similar manner. So, it cannot be said that they were contractors and it falsifies the stand of the management. But, it has been submitted on behalf of the management that actually the job was entrusted to these two contractors Sudhir Kumar and Saukat Ali and it appears that they worked for the completion of the work with the help of other workers. So, merely because they were engaged in the working, it cannot be said that they had not entered into contract with the management for completion of a particular job. Therefore, it has been contended on behalf of the management that if in such a circumstance, the labourers were engaged through contractors for limited purpose, by no stretch of imagination it can be said that they were direct employees of the management. A decision has also been cited on behalf of the union which is the case of International Airport Authority Employees Union & Anr. v. International Airport Authority & Anr. (2001 Lab. I.C. 322) in which in view of the provisions of the Contract Labour (Abolition & Regulation) Act, 1970 and in view of the notification dated 9-12-1976, the management of the International Airport Authority was directed to regularise the persons working on contract basis in some job. But, now, in view of the latest decision of the Apex Court in the case of Steel Authority of India (supra), the decision does not hold good.

10. Considering the entire aspect of the case, it appears that there was no question of regularisation of the said workers by the management treating them as the regular workers. The question of automatic absorption did not arise at all as held by their Lordships in the Steel Authority of India's case (supra) and from the materials on record it also appears that they did not deserve to be regularised. In this connection it is significant to note that there are certain rules regarding recruitment of employees in the Government Undertaking Industries and any person who worked for some time cannot be absorbed and their services cannot be regularised because that is likely to defeat the scheme of the system of appointment and the reservation policy involved in such matters. Therefore, the contractors' workers are not entitled to the relief claimed by them.

1. The reference is accordingly answered, decided and disposed of.
Dated, Kolkata,
The 18th September, 2001.

B. P. SHARMA, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

AWARD

का.ग्रा. 2880.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कालकाता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-19012/112/86-डी.िव(बी)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2880.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBCL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-19012/112/86-D.IV(B)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT KOLKATA

Reference No. 58 of 1988

Parties :

Employers in relation to the management
of Bharat Coking Coal Limited,
Calcutta.

AND

Their Workmen

Present :

Mr. Justice Bharat Prasad Sharma
Presiding Officer

Appearance :

On behalf of Management.—Mr. P. C.
Nath, Deputy Legal Manager of the
Company.

On behalf of Workmen.—None.

STATE : West Bengal. INDUSTRY : Coal.

By Order No. L-19012(112)/86-D.IV(B) dated 12th May, 1987 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Management of M/s. BCCL, Calcutta in not promoting S/Shri A. S. Mukherjee and A. Haldar, Office Supdts. from the date the posts in the executive cadre fell vacant in BCCL, Calcutta particularly, when these workmen were in panel for promotion to the posts in the executive cadre and promoting S/Shri M. K. Rakshit and Ram Ganguli in violating of the instructions contained in circular dated 8-1-82 is justified ? If not, to what relief the concerned workman are entitled ?”

2. When the case is called out today, representative of the management appears. but no one is present on behalf of the workmen inspite of notices earlier served to the parties. Mr. Nath, representative of the management files a petition stating that both the workmen concerned in this case do not have any grievance left and therefore, they have given up their case. It is stated that one of them, namely, A. S. Mukherjee has earlier been promoted to executive post and does not have any grievance left. It is also stated that another workman, A. Haldar has since retired from service on attaining the age of superannuation and he also ceased to have any interest left in the matter. It appears that this is the reason for which no one is appearing for the union. In the circumstance, it is clear that no dispute is now left to be adjudicated.

3. Accordingly, the reference is disposed of as a case of no dispute and a “No Dispute” Award is passed.

Dated, Kolkata.

The 19th September, 2001.

B. P. SHARMA, Presiding Officer

SCHEDULE

नई दिल्ली, 4 अक्टूबर, 2001

का.आ. 2881.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यू. सी. एन. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-22012/94/98-आई.आर. (सी-II)]
एन. पी. केशवन, ईस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2881.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22012/94/98-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR**

PRESENT :

**SHRI B. G. SAXENA, PRESIDING
OFFICER**

REFERENCE NO. 132/2000

**SUB AREA MANAGER, BALLARPUR
SUB AREA OF W.C.L.**

AND**SHRI ISHTAQ KALOO****AWARD**

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/94/98/IR(CM-II) dated 21-01-98 on the following schedule.

“Whether the action of the management of Ballarpur Area of Western Coal-fields Ltd. in not protecting the pay of Sh. Ishtaq Kaloo on his conversion to time rated job is legal and justified? If not to what relief the workman is entitled?”

In this reference the workman Ishtaq Kaloo had submitted his statement of claim in C.G.I.T. Court No. II at Mumbai. The file was received by transfer in this Court in May, 2000.

The workman Ishtaq Kaloo has stated in his statement of claim that he was appointed on 03-04-71 as Loader in Ballarpur Colliery 3 & 4 Pits. He met with an accident on 21-001-89 and received injury in his right leg. After receiving the recommendation of the Chief Medical Officer of the Colliery he was not found fit for doing underground mine work as Loader and from 11-02-90 he was posted as General Mazdoor, Category-1. The workman has alleged that his nature of work was changed on administrative ground and his basis wages were reduced as General Mazdoor, Category-1.

According to the WCL/IR/SECTT/IMP/CIR-297 dated 16/19-01-87 his pay should have been fixed on the basis of PARA-4 of the above Circular Letter of WCL and he is entitled to the protection of his basic wages along with SPRA w.e.f. February, 1990. At the time of accident he was drawing wages as Piece Rated Loader in the underground mines which were higher wages. He also claimed 18 per cent interest from the management as penalty for the difference in his wages from February, 1990.

The management contested the case and represented that he is governed by PARA-2 of the above referred Circular Letter-297 dated 16/19-01-87 which is as follows :—

“When due to accident while on duty a Piece Rated Employee is disabled permanently and the said Piece Rated Employee is provided with Time Rated Job on permanent basis on an application submitted by him he will be paid starting basic pay of the relevant Time Rated post.”

According to this provision of the Circular Letter he was paid starting basic pay of

General Mazdoor, Category-1. The surface duty was given to him as the Medical Board assessed the extent of his permanent disability to 20 per cent. His case was considered sympathetically by the management and his designation was changed due to his disability to work as Loader in the underground mine. His designation was not changed by the management by any administrative requirement. He was posted as General Mazdoor, Category-1 on humanitarian ground so that he may continue in service. Hence the question of protection of his wages does not arise.

The workman Ishtaq Kaloo examined himself in this Court and his cross examination was recorded on 02-01-01. The management examined M. B. Aparajit, Personal Manager from the side of management. The representative of the union Bhanudas cross-examined this witness on 11-06-01.

Both the parties have submitted documents. They have also submitted Written Arguments.

The workman Ishtaq Kaloo also engaged Advocate who argued case for him orally. From the side of management of WCL Sh. B. N. Prasad, Advocate argued the case.

I have considered the entire oral and documentary evidence on record. I have also considered the Written and Oral Arguments of Advocates of both the parties.

It is admitted to both the parties that workman Ishtaq Kaloo was working in the underground mines as Loader in Ballarpur Colliery 3 & 4 Pits when he met with accident on 21-01-89. His leg was injured and the Medical Superintendent, Chandrapur Area Hospital declared him fit for duties w.e.f. 1-11-89 as the IOD Board held on 22-10-89 at Area Hospital, Chandrapur and PPD assessing his disability 20 per cent. The Letter No. WCL/BC/4695/18 dated 6/7-11-89 shows that the disability of the workman was assessed at 20 per cent.

It is also admitted by the both the parties that the designation of the workman was changed from underground mine Piece Rated Loader to General Mazdoor Category-1 due to his disability to work permanently as Piece Rated Loader in the underground mines. He was paid starting basic pay of the post of Category-1, General Mazdoor and was entrusted with surface duty from 11-02-90.

The workman has claimed that he had not moved any application for the change of his

designation and he was therefore entitled to the basic pay of Piece Rated salary of a underground Loader.

The Piece Rated Loaders are paid on the basis of the work done by them. The rate of loading the coal in the underground mine is fixed but they are paid on the basis of the coal loaded by them in the tubs. So their wages differ every month. If they load more quantity of the coal they get more wages according to the Piece Rate. If they load lesser quantity of coal they get less wages. The General Category Mazdoor, Grade-1 gets his pay on the basis of his pay scale of that Category in which he is working. His increment is added every year and he gets other allowances admissible to him also. In view of the above facts the workman cannot claim that his basic pay should have fixed on the scale of pay of Piece Rated Loader because his nature of work was changed from 11-02-90. The workman has himself admitted in his Rejoinder dated 06-07-99 that due to accident he became partially disable to the extent of 20 per cent. So the nature of work was changed as he met with an accident and was unable to do work as Piece Rated Loader in the underground mines. It is immaterial whether the workman moved application for change of nature of work or not at the relevant time. If the management took a sympathetic view that he was accommodated to do the surface duty for continuing his service, the management was not at fault in fixing his pay under PARA-2 of Circular Letter No. 297 dated 16/19-01-87. The argument for counsel of the workman that the nature of work was changed for administrative reasons is absolutely baseless. The nature of the work was changed due to accident of the workman on 21-01-89. In the above circumstances the workman is not entitled for protection for his pay on his conversion to Time Rated job as General Mazdoor, Category-1.

The counsel for the management has argued that the workman was himself satisfied when his pay was fixed as General Mazdoor, Category-1. He has raised this dispute after seven years i.e. in 1997.

The workman in his statement in the Court also did not mention anywhere as to what was the difference in his salary as Piece Rated Loader and a General Mazdoor, Category-1 on 11-02-90 when he accepted surface duty. In the above circumstances the pay of the workman, Ishtaq Kaloo has been rightly

fixed on the basis of PARA-2 of circular letter 297 dated 16/19-01-87. The workman is not entitled for refixation of his pay or any other relief claimed by him.

ORDER

The action of the management of Ballarpur Area of Western Coalfields Ltd. in not protecting the pay of Shri Ishtaq Kaloo on his conversion to Time Rated job is legal and justified.

The workman is not entitled to any other relief claimed by him.

The reference is answered accordingly.

Dated : 10-9-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

का.श्रा. 2882:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं.एल-22012/176/2000—आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22012/176/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena.—Presiding Officer.

Reference No. CGIT/10/2001

The Sub Area Manager, W.C.L.

AND

Prakash Gangadhar Dhakate,

AWARD

The Central Government, Ministry of Labour, New Delhi, by exercising the powers conferred by clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide Order No. L-22012/176/2000/IR(C-II) dated 1/5-2-2001 on the following schedule.

SCHEDULE

"Whether the action of the management name-ly Hindustan Lalpeth Open Cast Sub Area (Chandrapur Area) of WCL, Post-Lalpeth, Distt. Chandrapur, not making payments as per the incentive scheme for the year 1998-99 to the employees of the Hindustan Lalpeth Open Cast of WCL, Chandrapur is legal, proper or justified? If not, what relief the workman is entitled to?"

This reference was received from Ministry of Labour on April, 2001. 4-6-2001, 2-7-2001, 31-7-2001 and 7-9-2001 were fixed for filing statement of claim. The name of the workman is not mentioned in the schedule received from Ministry of Labour. However, on the reverse side of the schedule, the Desk Officer, Shri N. P. Kesavan has mentioned one name Prakash Gangadhar Dhakate of Babupeth Ward No. 1, Chandrapur, Tahsil and Distt. Chandrapur (M.S.).

Shri B. N. Prasad, the counsel for management has submitted application today that no person bearing Prakash Gangadhar Dhakate is the employee of Hindustan Lalpeth Open Cast Sub Area. He is neither a office bearer nor a member of any union of WCL. He has requested for the disposal of the case.

In view of the above fact that no person bearing name Prakash Gangadhar Dhakate is the employee of Hindustan Lalpeth Open Cast Sub Area, no relief can be granted to the above mentioned workman. The above named person Prakash Gangadhar Dhakate did not turn up in the Court neither himself nor through any union representative. The case is, therefore, disposed of for want of prosecution.

ORDER

As the management has reported through application dated 7-9-2001 that no person bearing name Shri Prakash Gangadhar Dhakate is the employee of Hindustan Lalpeth Open Cast of WCL. No dispute exists. No relief can be granted to the abovenoted person or persons mentioned in Schedule.

Reference is disposed of for want of prosecution.
Date : 7-9-2001.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

का.श्रा. 2883:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १-१०-२००१ को प्राप्त हुआ था।

[सं. एल-२२०१२/१८०/९४-आई. आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22012/180/94-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/156/94

Presiding Officer.—Shri K. M. Rai.

The Secretary,
Koyla Khadan Shramik Sangathan (BMS),
Area Workshop,
Post Kotma Colliery,
Distt. Shahdol.

.. Applicant

Versus

The General Manager,
Jamuna and Kotma Area,
SECL, Distt. Shahdol.

.. Non-applicant

AWARD

Passed on this 14th day of September, 2001

1. The Government of India, Ministry of Labour vide Order No. L-22012/180/94 C-II dated 12-9-94 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of SECL Jamuna and Kotma area in promoting the workers junior to him to the post of Grade C is legal? If not, what relief the workman Shri Hussain-ul-Hak, Mechanist is entitled to?”

2. Union/workman did not appear before this tribunal, inspite of service of notice on them when the case was called for hearing on 14-9-2001. It appears that they are not interested in pursuing the present claim before this court. In this way no dispute exists between the parties.

3. In view of the facts stated above, it is held that No Dispute Exists between the parties. Hence No

dispute Award is passed. The workman is not entitled to any relief as claimed by him.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, ४ अक्टूबर, २००१

का.आ. २८८४.—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १-१०-२००१ को प्राप्त हुआ था।

[सं. एल-२२०१२/२४३/९२-आई. आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22012/243/92-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/19/93

Presiding Officer.—Shri K. M. Rai.

Shri Naim Mohammad,
S/o Abdul Rahiman,
Govinda Colliery,
Jamuna Kotma Area,

SECL Shahdol.

.. Applicant

Versus

The Sub Area Manager,
Govinda Colliery,
Post Govinda,
SECL Shahdol.

.. Non-applicant

AWARD

Passed on this 14th day of September, 2001

1. The Government of India, Ministry of Labour vide Order No. L-22012/243/92-IR C-II, dt. 14-1-93 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Suptd. (M) Manager Govinda colliery of Jamuna and Kotma area

of SECL in dismissing Shri Naim Mohamad Badli workman from company in service w.e.f. 15-9-90 is legal and justified? If not, to what extent the workman is entitled to?"

2. Union/workman did not appear before this tribunal inspite of service of notice on them when the case was called for hearing on 14-9-2001. It appears that they are not interested in pursuing the present claim before this court. In this way no dispute exists between the parties.

3. In view of the facts stated above it is held that No Dispute exists between the parties. Hence No dispute Award is passed. The workman is not entitled to any relief as claimed by him.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

का.आ. 2885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-22012/290/94-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22012/290/94-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/181/94

Presiding Officer—Shri K. M. Rai

The Secretary,
Koyla Mazdoor Sangh (UTUC),
Camp, Lusai,
Distt. Shahdol (MP).

.. Applicant

Versus

The General Manager,
Jamuna and Kotma Area,
SECL, Distt. Shahdol.

.. Non-applicant

AWARD

Passed on this 14th day of September, 2001

1. The Government of India, Ministry of Labour vide Order No. L-22012/290/94 C-II dated 28-9-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Jamuna Underground of Jamuna and Kotma area of SECL in dismissing Shri Ramratan S/o Sudhoo Loader, Jamuna 1/2 Mines w.e.f. 5-1-90 is legal and justified? If not, what relief the workman is entitled to?”

2. Union/workman did not appear before this tribunal inspite of service of notice on them when the case was called for hearing on 14-9-2001. It appears that they are not interested in pursuing the present claim before this court. In this way no dispute exists between the parties.

3. In view of the facts stated above it is held that No Dispute exists between the parties. Hence No dispute Award is passed. The workman is not entitled to any relief as claimed by him.

4. Copy of the award be sent to the Ministry of Labour, Government of India as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 2001

का.आ. 2886.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2886.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22025/25/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL : CUM : LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,

Chairman-cum-Presiding Officer.

Tuesday, the 18th day of September, 2001

Industrial Dispute No. 57 of 1998

BETWEEN :

Gummadi Satyanarayana, S/o Mallesh,
Ex-Fitter Helper,
C/o Sri Meda Chakrapani, Advocate,
Near IFTU Office, Gandhinagar,
PO. Godavarikhani-505209,
Dist. Karimnagar.

.. Petitioner

AND

The General Manager,
M/s. Singareni Colerics Co. Ltd.,
Ramagundam Area-I, PO. Godavarikhani,
Dist. Karimnagar-505209.

.. Respondent

This petition coming before me for final hearing, but petitioner absent, his Advocate not argued the case and Advocate for respondent absent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a reference by the Government of India. The reference is to decide whether the dismissal of the claimant by name Gummadi Satyanarayana, Badli fitter w.e.f., 19-2-96 is justified.

The claimant filed claim statement stating that on 21-9-95, while he was on duty, his right hand finger was injured. He was admitted to the company hospital for treatment. He was not completely cured. He was treated in a private hospital for considerable period. He further stated that in the years 1993 and 1994, he suffered from fever and ill-health frequently. He was compelled to report sick and take treatment in company hospital and private hospitals. He produced Medical certificates. Charge-sheet was issued against him. Domestic enquiry was conducted. The claimant remained exparte in the enquiry. He was dismissed from the service w.e.f. 19-2-96.

ID. No. 57/98

2. Respondent filed counter stating that the claimant was absenting from duty habitually and charge-sheet dated 17-5-95 was issued against him. The claimant was not available at his address. Then the charge-sheet was published in Telugu daily Andhra Jyothi on 25-7-95. The claimant did not appear inspite of publication of the charge-sheet. The claimant remained exparte in the enquiry. The claimant was dismissed from the service.

3. Ex. W-1 to Ex. W-5 and Ex. M-1 to Ex. M-9 are marked.

Petitioner absent. His Advocate not argued the case.

Advocate for respondent absent.

4. The point for consideration is whether the charge against the claimant is proved; if so, whether the punishment of dismissal of the claimant from the service is in proportion to the charge.

5. POINT :

Ex. M-1 is charge-sheet dated 17-5-95.

Ex. M-3 is publication of charge-sheet in Telugu daily 'Andhra Jyothi'.

The claimant remained exparte in the enquiry.

6. The claimant was absent from duty for 274 days in the year, 1994. The claimant was not available in his address. Charge-sheet was published in Telugu daily. The claimant remained exparte in the enquiry.

I consider that the charge against the petitioner is proved and the punishment of dismissal of the claimant from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, the reference is answered against the claimant. The dismissal of the claimant from the service is justified.

Typed to my dictation, corrected and pronounced by me in the open court on this, 18th day of September, 2001.

P. GURUNADHA-RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses-examined

For workman :—
—Nil—

For Management :—
—Nil—

Exhibits

For workman :—

Ex. W-1 dated 16-8-96 Mercy petition of petitioner.

Ex. W-2 dated 23-9-96 Lr. issued to the Asst. Commissioner (C), Mancherial by petitioner.

Ex. W-3 dated 5-3-97 Failure report of conciliation and minutes of conciliation proceedings.

Ex. W-4 dated 8-2-93 Lr. issued to the Medical Superintendent, Area Hospital, RG-I by S.O.M., GDK. No. 2 Inc.

Ex. W-5 dated 21-9-95 Accident report (xerox copy).

For Management :—

Ex. M-1 dated 17-5-95 Charge-sheet.

- Ex. M-2 dated 30/31-5-95 Undelivered returned postal covers with acknowledgements.
- Ex. M-3 dated 25-7-95 Charge-sheet published in Andhra Jyothi Telugu news-paper.
- Ex. M-4 dated 16-8-95 Office-order.
- Ex. M-5 dated 16-8-95 Enquiry report.
- Ex. M-6 dated 31-12-95/2-1-96 Lr. issued to the petitioner by General Manager, Ramagundam Area-I.
- Ex. M-7 dated 8-2-96 Undelivered postal returned cover with ack.
- Ex. M-8 dated 13-1-96 Paper publication of Andhra Jyothi Telugu newspaper notifying the petitioner to collect a copy of enquiry report and make representation.
- Ex. M-9 dated 16-2-96 Dismissal letter issued to the petitioner.

नई दिल्ली, 4 अक्टूबर, 2001

का. अ. . 2887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय गोदावरीखानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-10-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2001-आई. आर. (सी-II)]
एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 4th October, 2001

S.O. 2887.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 1-10-2001.

[No. L-22025/25/2001-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer.

Tuesday, the 18th day of September, 2001

Industrial Dispute No. 88 of 2000

BETWEEN :

Bhaskarla Chandraiah, S/o Venkati,
Age 40 yrs., Occ : Ex-General Mazdoor,
R/o Tekumatla village, Mandal Jaipur,
District Adilabad. . . Petitioner.

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Srirampur Project Area. . . Respondent.

This petition coming before me for final hearing in the presence of Sri G. Rajesh, Advocate for the claimant, but Advocate for the respondent absent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a reference by the Government of India to decide whether the dismissal of Bhaskarla Chandraiah, General Mazdoor w.e.f., 18-11-98 is justified.

The claimant filed claim statement stating that charge-sheet dated 4-4-98 was issued against him with the allegation that on 6-3-98, he had unauthorisedly issued one lorry load of round coal to lorry No. AP21-UO 497 without any loading slip and it was detained by C.I.S.F., personnel. Domestic enquiry was conducted. The claimant examined two witnesses. He was dismissed from the service w.e.f., 18-11-98.

2. Respondent filed counter stating that the claimant unauthorisedly issued one lorry load of round coal to a private lorry No. AP21-U 0947 without any loading slip. The said lorry was detained by the C.I.S.F., personnel. Domestic enquiry was conducted in fair and proper manner. Ample opportunity was given to the claimant to defend himself. The claimant participated in the enquiry. After careful consideration, the disciplinary authority awarded punishment of dismissal.

3. Ex. M-1 to Ex. M-15 are marked.

C.S.N. Reddy, Advocate for the respondent absent. Heard claimant.

4. The point for consideration is whether the charge against the claimant is proved, if so, whether the punishment of dismissal of the claimant from the service is in proportion to the charge?

5. POINT :

Ex. M-1 is charge-sheet dated 4-4-98.

Ex. M-2 is explanation to the charge-sheet. The claimant stated that the C.I.S.F., Jawan sent a lorry. He demanded loading slip from the lorry cleaner. The lorry cleaner told him that the loading slip was with the C.I.S.F., Jawan who was present at the gate. The C.I.S.F., Jawan came there and told him that the loading slip was with them and asked him to load coal into the lorry. Believing the C.I.S.F., Jawans, he loaded coal into the lorry. After loading

the coal into the lorry, he demanded loading slip. The C.I.S.F., Jawan took the driver, cleaner and one un-known person outside the gate and let them off. After ten minutes, C.I.S.F., personnel came to him and questioned him.

It shows that the claimant loaded coal into a lorry without loading slip.

6. Ex. M-7 is enquiry proceedings. Statement of G. Madan Mohan, Under Manager was recorded. He explained the procedure of issuing coal to private lorries. Loading slip will be issued for loading coal into the lorry. The C.I.S.F., Jawans will enter the loading slip in records. As per the loading slip, the lorry will be allowed to take coal. He further stated that on 6-3-98, in third shift, the claimant issued unauthorisedly one lorry load of round coal to lorry No. AP 21-U 0947 without the loading slip. It was detained by C.I.S.F., personnel at 4.00 a.m.

A. Rajaiah, S.O.M., stated that on 7-3-98, at about 7.00 a.m., he came to know that a lorry attempted to take coal was detained. Then, he called the night shift overmen and man-way clerk and enquired into the matter. He called the claimant and asked him about the loading of coal into the lorry. He also enquired the C.I.S.F. personnel. He was of the opinion that the claimant issued round coal to lorry No. AP21U 0947 without loading slip.

N. Nateshan, Head Constable, C.I.S.F., stated that on 6-3-98, he was on duty from 6-00 p.m. to 6.00 a.m. (next day). He found lorry No. AP 21-U 0947 entered from Gate No. 2 and went out from Gate No. 1 and stopped at some distance at around 4.00 a.m.

Naresh Kumar, constable was calling him in loud voice stating that one lorry No. AP 21-U 0947 entered the main gate without loading slip and round coal was being loaded into it at the bunker. He went to the bunker. At that time, the said lorry came out of the bunker with load of round coal. He asked the driver of the lorry for loading slip. The driver, cleaner and contractor of the lorry ran away.

7. The claimant gave statement stating that the C.I.S.F. Head constable Nateshan and C.I.S.F. constable Naresh Kumar tried to implicate him in the charge since they collided with the driver, cleaner and one unknown person to take a lorry load of round coal.

8. The claimant examined D Odelu, Surface Hauler Operator. He stated that on 6-3-98, in the third shift, between 4.30 a.m. and 5.00 a.m., the claimant told him that he gave one load of round coal to one lorry without loading slip at the instructions of C.I.S.F. constable.

The claimant also examined K. Markandeya, General Mazdoor. He stated that on 7-3-98, between 4.30 a.m. to 5.00 a.m. the claimant informed him that he issued round coal to one private lorry without loading slip and the C.I.S.F. constable were not issuing loading slip to him.

9. As per the defence witnesses, the claimant issued one load of round coal to a private lorry without loading slip and the C.I.S.F. constables took the loading slip and not returned to the claimant.

10. If the loading slip was there, there was no trouble to the claimant. The loading slip would be issued by the man-way clerk after retaining the permit slip. By keeping the loading slip with the C.I.S.F. constables, nothing would happen. The claimant could approach the man-way clerk who issued the loading slip.

11. The claimant stated that he issued one load of round coal to a private lorry without loading slip. I do not believe that the loading slip was kept back with the C.I.S.F. constables.

I consider that the charge against the claimant is proved and the punishment of dismissal of the claimant from the service is in proportion to the charge.

Hence, I answer the point accordingly.

In the result, the reference is answered against the claimant. The dismissal of the claimant from the service is justified.

Typed to my dictation, corrected and pronounced by me in the open court on this, 18th day of September, 2001.

P. GURUNADHA RAO, Chairman-cum-
Presiding Officer

Appendix of Evidence

Witnesses-examined

For workman :—	For Management :—
—Nil—	—Nil—

Exhibits

For workman :—	
—Nil—	
For Management :—	
Ex. M-1 dated 4-4-98 Charge-sheet.	
Ex. M-2 dated 13-4-98 Explanation to charge-sheet.	
Ex. M-3 dated 14-4-98 Enquiry Notice.	
Ex. M-4 dated 20-4-98 Enquiry Notice.	
Ex. M-5 dated 23-4-98 Enquiry Notice.	
Ex. M-6 dated 4-5-98 Enquiry Notice.	
Ex. M-7 dated 4-5-98 Enquiry proceedings.	
Ex. M-8 dated 22-7-98 Application of petitioner.	
Ex. M-9 dated 3-8-98 Enquiry report.	
Ex. M-10 dated 7-8-98 Lr. issued to the petitioner by Superintendent of Mines, IK-1 Incline.	
Ex. M-11 dated 9-10-98 Dismissal order issued to the petitioner.	

Ex. M-12 dated 23-11-98 Acknowledgement of petitioner.

Ex. M-13 dated 23-11-98 Registered post receipt No. 3179.

Ex. M-14 dated 18-11-98 Registered post receipt No. 2441.

Ex. M-15 dated 18-11-98 Acknowledgement of Rs. 962/-.

नई दिल्ली, 26 सितम्बर, 2001

का.आ. 2888.— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में एतद्वारा श्रम मंत्रालय के अधीन कर्मचारी भविष्य निधि संगठन के उप लेखा कार्यालय, नोएडा को अधिमूर्चित करती है।

[फा. सं. ई-11011/1/93-रा.भा.नि. (भाग)]

के. के. मारवाह, उप सचिव

New Delhi, the 26th September, 2001

S.O. 2888.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (Use for official purpose of the Union) Rule, 1976, the Central Government, hereby, notifies Sub-Accounts Office, Noida under Employee's Provident Fund Organisation working under the Ministry of Labour.

[File No. E-11011/1/93-RBN(Pt.)]

K. K. MARWAH, Dy. Secy.

नई दिल्ली, 11 अक्टूबर, 2001

का.आ. 2889.— खान अधिनियम, 1952 (1952 का 35) की धारा 83 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मेघालय राज्य में स्थित सभी कोयला खानों को उक्त अधिनियम की धारा 2, 5, 6, 10 से 39, 41 से 44, 47 से 82 और 84 से 87 के प्रावधानों के प्रचालन से इस अधिसूचना के जारी होने की तिथि से पांच वर्षों की अवधि के

लिए निम्नलिखित शर्तों के अन्तर्गत छूट प्रदान करती है :—

- (i) खान में कुटीर उद्योग के रूप में छोटे परिवार का समूह कार्य करता है, अर्थात् जिसमें अधिकतम पांच व्यक्ति नियोजित हैं;
- (ii) कार्यस्थल स्थापित आउटलेट से 150 मीटर से अधिक दूरी पर स्थित नहीं है;
- (iii) आउटलेट के रूप में प्रयुक्त होने वाले शीफ्ट की गहराई 9 मीटर से अधिक नहीं है;
- (iv) बनाए गए खम्बे, यदि हों, नहीं उखाड़े जाते हैं, और
- (v) विस्फोटक और मशीनरी का प्रयोग नहीं होता है।

[फा. सं. एन-11016/4/78-एम-1/आईएमएच 1-11]

के. के. मारवाह, उप सचिव

New Delhi, the 11th October, 2001

S.O. 2889.—In exercise of the powers conferred by sub-section (1) of Section 83 of the Mines Act, 1952 (35 of 1952), the Central Government hereby exempts, for a period of five years, all coal mines in the State of Meghalaya from the operation of provisions of sections 2, 5, 6, 10 to 39, 41 to 44, 47 to 82 and 84 to 87 of the said Act, with effect from the date of issue of this notification, subject to the following conditions that :—

- (i) the mines are worked by small family gangs as cottage industry, wherein not more than five persons are employed;
- (ii) the workings do not extend beyond 150 metres from the established outlets;
- (iii) depth of the shaft, when used as the outlet, does not exceed 9 metres.
- (iv) pillars formed, if any, are not extracted; and
- (v) explosive and machinery are not used.

[F. No. N-1116/4/78-M-1/ISH I-II]

K. K. MARWAH, Dy. Secy.